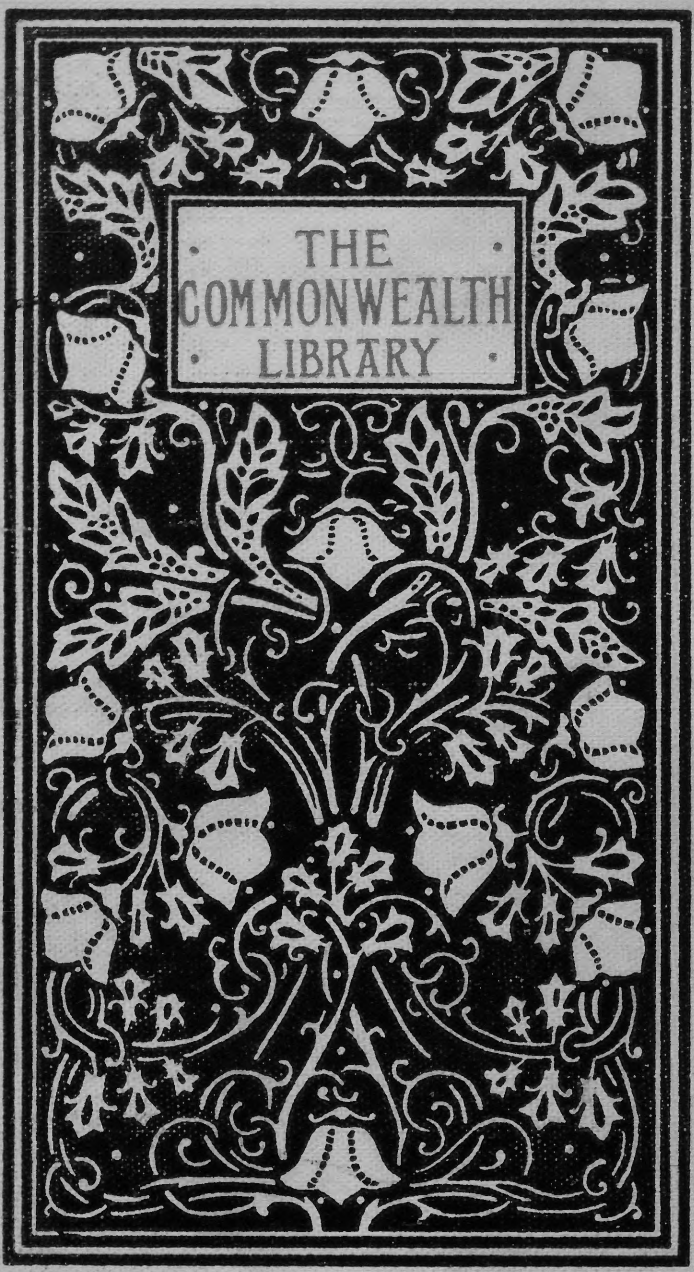
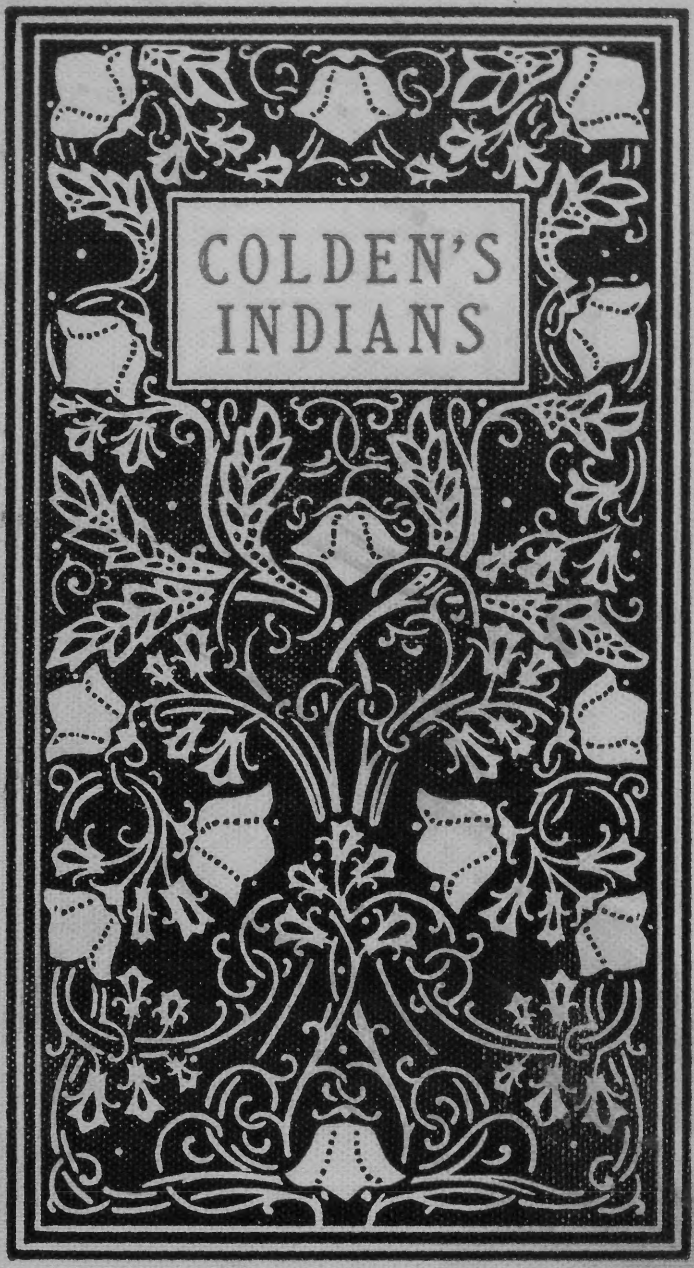
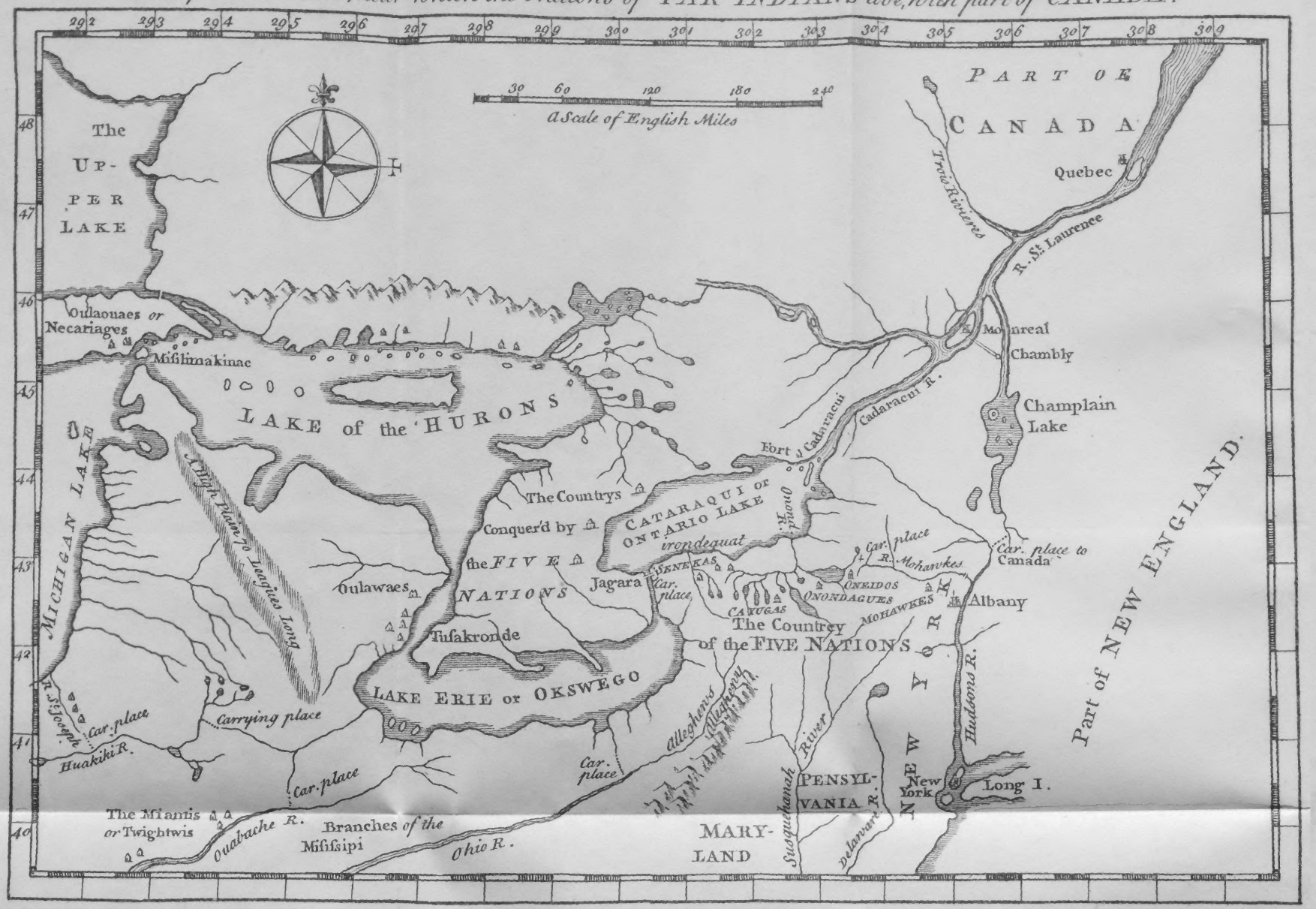

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COLDEN'S
INDIANS

A MAP of the Country of the FIVE NATIONS, belonging to the Province of NEW YORK; and of the LAKES, near which the Nations of FAR INDIANS live, with part of CANADA.



N.B. The Tuscaroras are now reckon'd a sixth Nation, & live between the Onondagues & Oneidos; & the Necariages of Misilimakinac were received to be the seventh Nation at Albany, May 30th 1723; at their own desire, 80 Men of that Nation being present besides Women & children. The chief Trade with the far Indians is at the Onondagues rivers mouth where they must all pass to go towards Canada.

THE HISTORY

OF THE

Five Indian Nations

OF CANADA

WHICH ARE DEPENDENT ON THE PROVINCE OF NEW YORK, AND ARE A BARRIER BETWEEN THE ENGLISH AND THE FRENCH IN THAT PART OF THE WORLD

By

Hon. CADWALLADER COLDEN

WITH MAP

IN TWO VOLUMES

VOL. II.

George N. Morang & Company, Limited
TORONTO

PAPERS

RELATING TO

An ACT of the ASSEMBLY

OF THE

PROVINCE of *NEW-YORK*,

FOR

Encouragement of the *Indian Trade*, &c., and for prohibiting the selling of *Indian Goods* to the *French*, *viz.* of *CANADA*.

I. A PETITION of the Merchants of *London* to His Majesty against the said Act.

II. HIS MAJESTY'S Order in Council, referring the Petition to the Lords Commissioners of *Trade* and *Plantation*.

III. EXTRACT of the Minutes of the said Lords, concerning some Allegations of the Merchants before them.

IV. THE REPORT of the said Lords to His Majesty on the Merchants Petition, and other Allegations.

V. The REPORT of the Committee of Council of the Province of *New-York*, in Answer to the said Petition.

VI. A MEMORIAL concerning the Furr-Trade of *New-York*, by *C. Colden*, Esq.

TO THE

KING'S Most Excellent Majesty in Council,

The Humble Petition and Representation of Samuel Baker, Samuel Storke, John Bayeux, Richard Jeneway, Robert Hackshaw, Joseph Low, Joseph Paice, George Streatfield, William Parkin, and John Evered, Merchants of London, trading to New-York, in behalf of themselves, and the rest of the Persons concern'd in the New-York Trade.

SHEWETH,

THAT by an Act passed in New-York the 19th of November, 1720, entitled, An Act for Encouragement of the Indian Trade, and rendering it more beneficial to the Inhabitants of this Province, and for prohibiting the selling of Indian Goods to the French, all Trade whatsoever is prohibited in the strictest Manner, and under the severest Penalties, between the Inhabitants of New-York Government, and the French of Canada, or any Subjects of the French King, or any Per-

son whatsoever, for or on the behalf of any such Subjects; and which Act was to continue in force for three Years.

That the Reasons assigned in the Preamble of this Act, for the passing thereof, are, For that the French at Canada, by means of Indian Goods, purchased from the Inhabitants of New-York, had not only almost wholly engrossed the Indian Trade to themselves, but had, in great measure, withdrawn the Affections of the Five Nations of Indians from the Inhabitants of New-York, and render'd them wavering in their Faith and Allegiance to your Majesty; and would, if such Trade was not prevented, wholly alienate the Minds of the said Indians, which might prove of dangerous Consequence to the English Interest in America.

That this Act was sent home for your Majesty's royal Consideration, but your Petitioners do not find that your Majesty ever signified your Allowance or Disallowance thereof; from whence, and from the Act's being to continue but three Years, your Petitioners humbly conceive the same was suffered to lie by probationary, to see whether the said Act, in its Effects, was really advantageous or prejudicial to the British Trade and Interest in America.

That your Petitioners have received Advice, That the Government of New-York

either have, or are about passing an Act, to revive and continue the said Act for Prohibiting all Trade between New-York and Canada.

Upon which Occasion, your Petitioners humbly beg leave to represent to your Majesty, That the said Act, tho' in the first Intention of it, it might be well designed, yet in its Effects, it has proved very pernicious to the British Trade in general, and to the Interest of New York in particular: For, besides the Nations of Indians that are in the English Interest, there are very many Nations of Indians, who are, at present, in the Interest of the French, and who lie between New-York, and the Nations of Indians in the English Interest; and this Act prohibiting all Trade between New-York and the French of Canada, or any of the Subjects of France, the French, and their Indians, would not permit the English Indians to pass over by their Forts, so as to carry on a free Trade with New-York, but prevented their Passages, as much as possible, whereby that most considerable and only valuable Branch of Trade from New-York, hath, ever since the passing the said Act, very much lessened, from the great Difficulties of carrying on any Trade with the English Indians, and the Prohibition of all Trade with the French; and all the Indian Goods have, by this Act,

been raised in their Price 25*l.* to 30*l.* per Cent.

Whereas, on the other hand, this Branch of the New-York Trade, by the Discouragements brought upon it by this Act, is almost wholly engrossed by the French, who have already, by this Act, been encouraged to send proper European Goods to Canada, to carry on this Trade; so that should this Act be continued, the New-York Trade, which is very considerable, must be wholly lost to us, and center in the French.

And your Petitioners further beg leave humbly to represent, That as they conceive nothing can tend more to the with-drawing the Affections of the Five Nations of Indians from the English Interest, than the Continuance of the said Act, which, in its Effects, restrains them from a free Commerce with the Inhabitants of New-York, and may, too probably, estrange them from the English Interest: Whereas by a Freedom of Commerce, and an encourag'd Intercourse of Trade with the French, and their Indians, the English Interest might, in time, be greatly improved and strengthened among the Indians in general, who, by such Latitude of Trade, might be link'd to our Friendship in the strongest Ties of their own Interest, as well as Inclinations.

That therefore, and as the said Act was,

in its Effects, so plainly destructive and prejudicial to the Trade and Interest of these Kingdoms, and so much for the interest of the French, and greatly promoted that Mischief which it was intended to prevent,

Your Petitioners most humbly pray your Majesty That you would be graciously pleased to give the necessary Directions to your Governor of New-York, not to pass any new Act for the reviving or continuing the said Act prohibiting Trade with the French of Canada; and that if any such Act, or any Act of the like Tendency, be already passed, that the same may be repealed. And your Petitioners shall ever pray, &c.

Samuel Baker,	J. Bull,
Rob. Hackshaw,	Fra. Wilks,
Jo. Lloyd,	Wm. Parkin,
Sam. Storke,	John Gilbert,
J. Bayeux,	Jos. Paice, jun.
Sam. Fitch,	Rich. Mico,
Rich. Jeneway,	Jo. Miranda,
Jos. Lowe,	Geo. Streatfield,
Asher Levy,	John Everet,
John Paine,	Thompson Hayne.

At the Court at St. James's the 30th Day of April, 1724.

PRESENT

The KING'S Most Excellent Majesty in Council.

UPON Reading this Day at the Board the humble Petition and Representation of Samuel Baker, Samuel Storke, and several others, Merchants of London, trading to New-York, in behalf of themselves, and the rest of the Persons concern'd in the New-York Trade, which Petition sets forth, That great Discouragements have been brought upon the British Trade, by an Act passed in the said Colony of New York, the 19th of November, 1720, entitled, An Act for the Encouragement of the Indian Trade, and rendering of it more beneficial to the inhabitants of this Province, and for prohibiting the selling of Indian Goods to the French. And that as the said Act was to continue in force only for three Years, they are informed the Government of New-York either have, or are about passing an Act to revive and continue the same: Wherefore they humbly pray, that the Governour of that Colony may be ordered, not to pass any new Act for that

purpose; and if any such Act be already pass'd, that it may be repealed.

It is ordered by his Majesty in Council, That the said Petition (a Copy whereof is hereunto annexed) be, and it is hereby referred to the Lords Commissioners for Trade and Plantations, to examine into the same, and report to his Majesty, at this Board, what they conceive fit to be done therein.

Signed,
James Vernon.

Extract of the Minutes of the Right Honourable the Lords Commissioners for Trade and Plantations, the 7th of July, 1724.

MR. SHARP attending, as he had been desired, with several New-York Merchants, their Lordships took again into Consideration the Order of Council of the 30th of April, mentioned in the Minutes of the first of May last, referring to the Board their Petition against the Renewing an Act passed in New-York, in November, 1720, entitled, An Act for the Encouragement of the Indian Trade, and rendering of it more effectual to the Inhabitants of this Province, and for prohibiting the selling of Indian Goods to the French. And Mr. Sharp, in behalf of the several Merchants, acquainted their Lord-

ships, That he conceived this Act, tho' its Intention of gaining the Indians to the English Interest might be good, would have quite a contrary Effect, because, if the Trade with the French was prevented, and the Merchants should discontinue that with the Indians, (as he was informed they would) the French might lay hold of this Opportunity to furnish themselves with Goods from Europe, and supply the Five Nations of Indians, and thereby gain them to their Interest: And this, by reason of their Situation, would not be in the Power of the English to prevent: That they were two or three hundred Leagues distant from Albany, and that they could not come to trade with the English but by going down the River St. Laurence, and from thence through a Lake, which brought them within eighteen Leagues of Albany.

And that the French having made Settlements along the said River, it would be in their Power, whenever they pleased, to cut off that Communication.

That this Act had been so great a Discouragement to the British Trade, in general, that there had not been, by far, so great a Quantity of Beaver, and other Furs, imported into Great-Britain since the passing of the said Act, as there was before; nor half the Quantity of European Goods exported.

That several Merchants who had sent over

to New-York considerable Quantities of European Goods, had received Advice from their Correspondents, That should another Act of the like Nature be passed, they could not find a vent for them, and desired they would send no more.

Upon the whole, Mr. Sharpe desired, in behalf of the Merchants, that Mr. Burnet might be directed not to pass any Act of the like Nature for the future.

To the KING's Most Excellent Majesty.

May it please your Majesty;

IN Obedience to your Majesty's Commands, signified to us by your Order in Council of the 30th of April last, referring to us the Petition of several Merchants of London trading to New-York, setting forth "The great Discouragements that have been brought upon the British Trade by an Act passed in New-York the 19th of November, 1720, entitled, An Act for the Encouragement of the Indian Trade, and rendering of it more beneficial to the Inhabitants of this Province, and for prohibiting the selling of Indian Goods to the French. And that as the said Act is now expir'd, the said Merchants are informed the Government of New-York either have, or are about passing an Act to revive and con-

tinue the same; and therefore pray, that a stop may be put thereto." We humbly take leave to represent to your Majesty,

That we have been attended by the Petitioners, who informed us, that they have found this Act, by Experience, to be so great a Discouragement to the British Trade, that there has not been, by far, so considerable a Quantity of Beaver, and other Furs, imported into Great-Britain, from New-York, since the passing the said Act, as heretofore, nor half the Quantity of European Goods exported thither; in consequence whereof the Price of Furs is raised Five and Twenty and Thirty per Cent. to the great Prejudice of several British Manufactures.

They likewise affirmed, That it was impracticable to hinder the French from supplying the Indians with European Goods: For tho' New-York should not furnish them, the French would find another way to be supplied therewith, either from some other of his Majesty's Plantations, or, it might be, directly from Europe. That it was of dangerous Consequence to force this Trade into a new Channel, many of the Goods which the Indians want being as easy to be had directly from France or Holland, as from Great Britain.

They further added, That it was not likely the Act, in question, should produce the

Effects expected from it, more particularly that of securing the Five Indian Nations firmly to the British Interest; because, if the French should once get a Supply of the Goods necessary for the Indian Trade, from any other Place, as the Five Indian Nations are settled upon the Banks of the River of St. Laurence, directly opposite to Quebeck, two or three hundred Leagues distant from the nearest British Settlement in New-York, the Vicinity of the French would furnish them with the Means of supplying even the Fve Nations with these Goods, and consequently of alienating their Affections from the British Interest. And that there was no Prospect of obtaining a Trade with the French Indians by this means, because the French would always be able to prevent their Passage cross the Lakes and River of St. Lawrence to our Settlements.

These were the most material Objections made by the Merchants against the Bill.

On the other hand, the Preamble of the Act sets forth, That it was found by Experience, that the French of Canada, by means of Indian Goods brought from that Province, had not only almost wholly engrossed the Indian Trade, but had in great Measure, withdrawn the Affections of the Five Nations of Indians from the Inhabitants of that

Province, and rendered them wavering in their Allegiance to your Majesty; and would, if such Trade were not prevented, altogether alienate the Minds of the said Indians, which would prove of dangerous Consequence to the English Interest in America.

And Mr. Burnet, your Majesty's Governour of New-York, informs us, That, since the passing of this Act, several of the far Indians had come to Albany to trade; That some of them came above one thousand Miles, and are now incorporated with the Five Nations: That he had likewise Intelligence of more far Indians that design'd to come to Albany, which he conceives to have been a good Effect proceeding from this Act: And likewise adds, That he did not doubt but the Cheapness of Goods in Albany would induce the Indians to trade there, rather than with the French at Montreal; and that the Traders of Albany began to be sensible of their Error in sharing a Trade with the French, which they now perceive they can keep wholly to themselves.

Upon the whole, being doubtful of some of the Facts alledged by the Merchants, and considering how far the British Trade may be affected by this Act, on the one hand; and how much the Security and Interest of your Majesty's Colonies in America may be con-

cerned, on the other, we are humbly of Opinion, That no Directions should be sent to New-York, upon the Subject-Matter of this Act, till Mr. Burnet shall have been acquainted with the Objections of the Merchants thereto, and his Answers and Observations received thereupon. For which end, if your Majesty shall be graciously pleased to approved of this our Proposal, we shall forthwith send him Copies both of the Merchants Memorial, and of what Objections they have made before us to the Subject-Matter of this Bill.

Which is most humbly submitted.

Signed, J. Chetwind, R. Plummer,
Whitehall, T. Pelham, Ed. Ashe.
July 14, 1724. M. Bladen,

The Report of a Committee of the Council held at New-York, November 6, 1724.

May it please your Excellency,

IN Obedience to your Excellency's Commands in Council, the 29th of October, referring to us a Petition of several Merchants in London, presented to the King's most excellent Majesty, against renewing an Act passed in this Province, entitled, An Act for Encouragement of the Indian Trade, and

rendering it more effectual to the Inhabitants of this Province, and for prohibiting the selling of Indian Goods to the French; as likewise the several Allegations of the said Merchants before the Right Hon. the Lords of Trade and Plantations, we beg Leave to make the following Remarks.

In order to make our Observations the more distinct and clear, we shall gather together the several Assertions of the said Merchants, both in their Petition, and delivered verbally before the Lords of Trade, as to the Situation of this Province, with respect to the French and Indian Nations, and observed on them, in the first Place, they being the Foundation on which all their other Allegations are grounded. Afterwards we shall lay before your Excellency, what we think necessary to observe on the other parts of the said Petition, in the Order they are in the Petition, or in the Report of the Lords of Trade.

In their geographical Accounts they say, "Besides the Nations of Indians that are in the English Interest, there are very many Nations of Indians, who are at present in the Interest of the French, and who lie between New-York and the Nations of Indians in the English Interest.——The French and their Indians would not permit the English Indians to pass over by their Forts.

The said Act "Restrains them (the Five Nations) from a free Commerce with the Inhabitants of New-York.

"The Five Indian Nations are settled upon the Banks of the River St. Lawrence, directly opposite to Quebeck, two or three Hundred Leagues distant from the nearest British Settlements in New-York.

"They (the Five Nations of Indians) were two or three Hundred Leagues distant from Albany; and that they could not come to trade with the English but by going down the River St. Lawrence, and from thence through a Lake, which brought them within eighteen Leagues of Albany."

These Things the Merchants have thought it safe for them, and consistent with their Duty to his sacred Majesty, to say in his Majesty's Presence, and to repeat them afterwards before the Right Hon. the Lords of Trade, though nothing can be more directly contrary to the Truth. For there are no Nations of Indians between New-York and the Nations of Indians in the English Interest, who are now six in Number, by the Addition of the Tuscaroras. The Mohawks (called Annies by the French) one of the Five Nations, live on the South-side of a Branch of Hudson's-River, (not on the North-side, as they are placed in the French Maps) and but forty Miles directly West from Albany, and

within the English Settlements, some of the English Farms upon the same River being thirty Miles further West.

The Oneidas (the next of the Five Nations) lie likewise West from Albany, near the Head of the Mohawks-River, about one Hundred Miles from Albany.

The Onondagas lie about one Hundred and Thirty Miles West from Albany. And the Tuscaroras live partly with the Oneidas, and partly with the Onondagas.

The Cayugas are about one hundred and sixty Miles from Albany.

And the Sennekas (the furthest of all these Nations) are not above two hundred and forty Miles from Albany, as may appear by Mr. De L'Isle's Map of Louisiane, who lays down the Five Nations under the Name of Iroquois.

And Goods are daily carried from this Province to the Sennekas, as well as to those Nations that lie nearer, by Water all the Way, except three Miles, (or in the dry Seasons, five Miles) where the Traders carry over Land between the Mohawks-River and the Wood Creek, which runs into the Oneida-Lake, without going near either St. Lawrence-River, or any of the Lakes upon which the French pass, which are entirely out of their Way.

The nearest French Forts or Settlements to

Albany, are Chambly and Monreal, both of they lying about North and by East from Albany, and are near two hundred Miles distant from it. Quebeck lies about three hundred and eighty Miles North-East from Albany. So far is it from being true, that the Five Nations are situated upon the Banks of the River St. Lawrence, opposite to Quebeck, that Albany lies almost directly between Quebeck and the Five Nations. And to say that these Indians cannot come to trade at Albany, but by going down the River St. Lawrence, and then into a Lake eighteen Leagues from Albany (we suppose they mean Lake Champlain) passing by the French Forts, is to the same Purpose as if they should say, that one cannot go from London to Bristol, but by Way of Edinburgh.

Before we go on to observe other Particulars, we beg Leave further to remark, that it is so far from being true, that the Indians in the French Interest, lie between New-York and our Five Nations of Indians, that some of our Nations of Indians lie between the French and the Indians, from whence the French bring the far greatest Quantity of their Furs: For the Sennekas (whom the French call Sonontouons) are situated between Lake Erie and Cataraqui Lake, (called by the French Ontario) near the great Fall of Jagara, by which all the Indians that live

round Lake Erie, round the Lake of the Hurons, round the Lake of the Illenóis, or Michegan, and round the great Upper Lake, generally pass in their Way to Canada. All the Indians situated upon the Branches of the Misissippi, must likewise pass by the same Place, if they go to Canada. And all of them likewise in their Way to Canada, pass by our Trading-Place upon the Cataraqui Lake, at the Mouth of the Onondaga River. The nearest and safest Way of carrying Goods upon the Cataraqui Lake towards Canada, being along the South-side of that Lake, (near where ur Indians are settled, and our Trade of late is fixed) and not by the North-side and Cataraqui, or Frontinac Fort, where the French are settled.

Now that we have represented to your Excellency, that not one Word of the Geography of these Merchants is true, upon which all their Reasoning is founded, it might seem needless to trouble your Excellency with any further Remarks, were it not to show with what earnestness they are promoting the French Interest, to the Prejudice of all his Majesty's Colonies in North America, and that they are not ashamed of asserting any Thing for that End, even in the Royal Presence.

First, They say, "That by the Act passed in this Province, entitled, An Act for En-

couragement of the Indian Trade, &c. All Trade whatsoever is prohibited in the strictest Manner, and under the severest Penalties, between the Inhabitants of New-York Government, and the French of Canada."

This is not true, for only carrying Goods to the French, which are proper for the Indian Trade, is prohibited. The Trade as to other Things, is left in the same State it was before that Act was made, as it will appear to any Person that shall read it: And there are yearly large Quantities of other Goods openly carried to Canada, without any Hindrance from the Government of New-York. Whatever may be said of the Severity and Penalties in that Act, they are found insufficient to deter some from carrying Goods clandestinely to the French; and the Legislature of this Province are convinced that no Penalties can be too severe, to prevent a Trade which puts the Safety of all his Majesty's Subjects of North America in the greatest Danger.

Their next Assertion is, All the Indian Goods have by this Act, been raised 25*l.* to 30*l.* per Cent. This is the only Allegation in the whole Petition, that there is any Ground for. Nevertheless, though the common Channel of Trade cannot be altered without some Detriment to it in the Beginning, we are assured from the Custom-house Books,

that there has been every Year, since the passing of this Act, more Furs exported from New-York, than in the Year immediately before the passing of this Act. It is not probable, that the greatest Difference between the Exportation any Year before this Act, and any Year since, could so much alter the Price of Beaver, as it is found to be this last Year. Beaver is carried to Britain from other Parts besides New-York, and it is certain that the Price of Beaver is not so much altered here by the Quantity in our Market, as by the Demand for it in Britain. But as we cannot be so well informed here, what occasions Beaver to be in greater Demand in Britain, we must leave that to be enquired after in England. However, we are fully satisfied that it will be found to be for very different Reasons from what the Merchants alledge.

The Merchants go on and say, Whereas on the other Hand, this Branch of the New-York Trade, by the Discouragements brought upon it by this Act, is almost wholly engrossed by the French, who have already by this Act, been encouraged to send proper European Goods to Canada, to carry on this Trade, so that should this Act be continued, the New-York Trade which is very considerable, must be wholly lost to us, and center in the French.———Though New-York should not furnish them, the French would find an-

other Way to be supplied therewith, either from some other of his Majesty's Plantations, or it might be directly from Europe.——— Many of the Goods which the Indians want being as easy to be had directly from France or Holland, as from Great-Britain.

This is easily answered, by informing your Excellency, that the principal of the Goods proper for the Indian Market are only of the Manufactures of Great-Britain, or of the British Plantations viz. Stronds, or Stroud-Waters, and other Woollens, and Rum. The French must be obliged to buy all their Woollens (the Stronds especially) in England, and thence carry them to France, in order to their Transportation to Canada. The Voyage to Quebeck through the Bay of St. Lawrence, is well known to be the most dangerous of any in the World, and only practicable in the Summer Months. The French have no Commodities in Canada, by reason of the Cold and Barrenness of the Soil, proper for the West-India Markets, and therefore have no Rum but by Vessels from France, that touch at their Islands in the West-Indies. New-York has, by Reason of its Situation, both as to the Sea and the Indians, every Way the Advantage of Canada. The New-York Vessels make always two Voyages in the Year from England, one in Summer and another in Winter, and several

Voyages in a Year to the West-Indies. It is manifest therefore, that it is not in the Power of the French to import any Goods near so cheap to Canada, as they are imported to New-York.

But to put this out of all Controversy, we need only observe to your Excellency, That Strouds (without which no considerable Trade can be carried on with the Indians) are sold at Albany for 10*l.* a Piece: They were sold at Monreal before this Act took Place, at 13*l.* 2*s.* 6*d.* and now they are sold there for 25*l.* and upwards: Which is an evident Proof, that the French have not, in these four Years Time (during the Continuance of this Act) found out any other Way to supply themselves with Strouds, and likewise that they cannot trade without them, seeing they buy them at so extravagant a Price.

It likewise appears, that none of the neighbouring Colonies have been able to supply the French with these Goods; and those that know the Geography of the Country, know it is impracticable to do it at any tolerable Rate, because they must carry their Goods ten Times further by Land than we need to do.

We are likewise assured, that the Merchants of Monreal lately told Mr. Vandreuil their Governor, that if the Trade from Albany be not by some Means or other encour-

aged, they must abandon that Settlement. We have Reason therefore to suspect, that these Merchants (at least some of them) have been practised upon by the French Agents in London; for no doubt, the French will leave no Method untried to defeat the present Designs of this Government, seeing they are more afraid of the Consequences of this Trade between New-York and the Indians, than of all the warlike Expeditions that ever were attempted against Canada.

But to return to the Petitioners, They conceive nothing can tend more to the withdrawing the Affections of the Five Nations of Indians from the English Interest, than the Continuance of the said Act, which in its Effects restrains them from a free Commerce with the Inhabitants of New-York, and may too probably, estrange them from the English Interest, whereas by a Freedom of Commerce, and an encouraged Intercourse of Trade with the French and their Indians, the English Interest might in Time, be greatly improved and strengthened.

It seems to us a strange Argument to say, that an Act, the whole Purport of which is to encourage our own People to go among the Indians, and to draw the far Indians through our Indian Country to Albany (and which has truly produced these Effects) would on the contrary, restrain them from a free Com-

merce with the Inhabitants of New-York, and may too probably estrange them from the English Interest, and therefore that it would be much wiser in us to make use of the French, to promote the English Interest; and for which End, we ought to encourage a free Intercourse between them and our Indians. The reverse of this is exactly true, in the Opinion of our Five Nations; who in all their publick Treaties with this Government, have represented against this Trade, as The Building the French Forts with English Strouds: That the encouraging a Freedom of Commerce with our Indians, and the Indians round them, who must pass through their Country to Albany, would certainly increase both the English Interest and theirs, among all the Nations to the Westward of them; and that the carrying the Indian Market to Monreal in Canada, draws all the far Indians thither.

The last Thing we have to take Notice, is what the Merchants asserted before the Lords of Trade, viz. That there has not been half the Quantity of European Goods exported since the passing of this Act, that used to be.

We are well assured, that this is no better grounded than the other Facts they assert with the same Positiveness. For it is well known almost to every Person in New-York, that there has not been a less, but rather a

greater Quantity of European Goods imported into this Place, since the passing of this Act, than was at any Time before it, in the same Space of Time. As this appears by the Manifests in the Custom-house here, the same may likewise be easily proved by the Custom-house Books in London.

As all the Arguments of the Merchants run upon the ill Effects this Act has had upon the Trade and the Minds of the Indians, every one of which we have shown to be asserted without the least Foundation to support them, there nothing now remains, but to show the good Effects this Act has produced, which are so notorious in this Province, that we know not one Person that now opens his Mouth against the Act.

Before this Act passed, none of the People of this Province travelled into the Indian Countries to trade: We have now above forty young Men, who have been several Times as far as the Lakes a trading, and thereby become well acquainted, not only with the Trade of the Indians, but likewise with their Manners and Languages; and these have returned with such large Quantities of Furs, that greater Numbers are resolved to follow their Example. So that we have good Reason to hope, that in a little Time the English will draw the whole Indian Trade of the Inland Countries to Albany, and into the Country of

the Five Nations. This Government has built a publick Trading-house upon Cataraqui Lake, at Iondequat in the Sennekas Land, and another is to be built next Spring, at the Mouth of the Onondagas River. All the far Indians pass by these Places, in their Way to Canada; and they are not above half so far from the English Settlements, as they are from the French.

So far is it from being true what the Merchants say, That the French Forts interrupt all Communication between the Indians and the English, that if these Places be well supported, as they easily can be from our Settlements, in case of a Rupture with the French, it will be in the Power of this Province, to intercept the greatest Part of the Trade between Canada and the Indians, round the Lakes and the Branches of the Misissippi.

Since this Act passed, many Nations have come to Albany to trade, and settle Peace and Friendship, whose Names had not so much as been heard of among us.

In the Beginning of May 1723, a Nation of Indians came to Albany singing and dancing, with their Calumets before them, as they always do when they come to any Place where they have not been before. We do not find that the Commissioners of Indian Affairs, were able to inform themselves what Nation this was.

Towards the End of the same Month, eighty Men, besides Women and Children, came to Albany in the same Manner. These had one of our Five Nations with them for an Interpreter, by whom they informed the Commissioners, that they were of a great Nation, called Nehkereages, consisting of six Castles and Tribes; and that they lived near a Place called by the French Missilimakinak, between the Upper Lake and the Lake of the Hurons. These Indians not only desired a free Commerce, but likewise to enter into a strict League of Friendship with us and our Six Nations, that they might be accounted the Seventh Nation in the League; and being received accordingly, they left their Calumet as a Pledge of their Fidelity.

In June another Nation arrived, but from what Part of the Continent we have not learned.

In July the Twightwies arrived, and brought an Indian Interpreter of our Nations with them, who told, that they were called by the French Miamies, and that they lived upon one of the Branches of the River Misissippi.

At the same Time some of the Tahsagrondie Indians, who live between Lake Erie and the Lake of the Hurons, near a French Settlement, did come and renew their League with the English, nor durst the French hinder them.

In July this Year, another Nation came, whose Situation and Name we know not. And in August and September, several Parties of the same Indians that had been here last Year. But the greatest Numbers of these far Indians have been met this Year, in the Indian Country by our Traders, every one of them endeavouring to get before another, in order to reap the Profits of so advantagious a Trade, which has all this Summer long, kept about forty Traders constantly employed, in going between our Trading-places in our Indian Country, and Albany.

All these Nations of Indians who came to Albany said, that the French had told them many strange Stories of the English, and did what they could to hinder their coming to Albany, but that they had resolved to break through by Force. The Difference on this Score between the Tahsagrondie Indians and the French (who have a Fort and Settlement there, called by them Le Detroit) rose to that Height this Summer, that Mr. Tonti who commanded there, thought it proper to retire, and return to Canada with many of his Men.

We are for these Reasons well assured, that this Year there will be more Beaver exported for Great-Britain, than ever was from this Province in one Year; and that if the Custom-house Books at London be looked

into, it will be found, that there will be a far greater Quantity of Goods for the Indians, (Strouds especially) sent over next Spring, than ever was at any one Time to this Province; for the Merchants here tell us, that they have at this Time, ordered more of these Goods, than ever was done at any one Time before.

These Matters of Fact prove beyond Contradiction, that this Act has been of the greatest Service to New-York, in making us acquainted with many Nations of Indians, formerly entirely unknown and Strangers to us; in withdrawing them from their Dependance upon the French, and in uniting them to us and our Indians, by Means of Trade and mutual Offices of Friendship. Of what great Consequence this may be to the British Interest in general, as to Trade, is apparent to any Body. It is no less apparent likewise that it is of the greatest Consequence to the Safety of all the British Colonies in North-America. We feel too sensibly, the ill Effects of the French Interest in the present War betwixt New-England, and only one Nation of Indians supported by the French. Of what dismal Consequences then might it be, if the French should be able to influence in the same Manner, so many and such numerous Nations, as lie to the Westward of this Province, Pensylvania and Maryland? On

the other Hand, if all these Nations (who assert their own Freedom, and declare themselves Friends to those that supply them best with what they want) be brought to have a Dependance upon the English (as we have good Reason to hope, in a short Time they will) the French of Canada, in case of a War, must be at the Mercy of the English.

To these Advantages must be added, that many of our young Men having been induced by this Act to travel among the Indians, they learn their Manners, their Languages, and the Situation of all their Countries, and become inured to all Manner of Fatigues and Hardships, and a great many more being resolved to follow their Example; these young Men, in case of a War with the Indians, will be of ten Times the Service, that the same Number of the common Militia can be of.

The Effects of this Act have likewise so much quieted the Minds of the People, with Respect to the Security of the Frontiers, that our Settlements are now extended above thirty Miles further West towards the Indian Countries, than they were before it passed.

The only Thing that now remains to answer, is an Objection which we suppose may be made, What can induce the Merchants of London to petition against an Act, which will be really so much for their Interest in the End? The Reason is in all Probability,

because they only consider their present Gain; and that they are not at all concerned for the Safety of this Country, in encouraging the most necessary Undertaking, if they apprehend their Profit for two or three Years may be lessened by it. This Inclination of the Merchants has been so notorious, that few Nations at War with their Neighbours, have been able to restrain them from supplying their Enemies with Ammunition and Arms. The Count D'Estrade, in his Letters in 1638 says, That when the Dutch were besieging Antwerp, one Beiland, who had loaded four Fly-boats with Arms and Powder for Antwerp, being taken up by the Prince of Orange's Order, and examined at Amsterdam, said boldly, That the Burghers of Amsterdam had a Right to trade every where: That he could name a Hundred that were Factors for the Merchants at Antwerp, and that he was one. That Trade cannot be interrupted, and that for his Part he was very free to own, that if to get any Thing by Trade it were necessary to pass through Hell, he would venture to burn his Sails. When this Principle so common to Merchants, is considered, and that some in this Place have got Estates by trading many Years to Canada, it is not to be wondered that they have acted as Factors for Canada in this Affair, and that they have transmitted such Accounts

to their Correspondents in London, as are consistent with the Trust reposed in them by the Merchants of Canada.

In the last Place, we are humbly of Opinion, that it may be proper to print the Petition of the Merchants of London, and their Allegations before the Lords of Trade, together with the Answers your Committee has made thereto, in Vindication of the Legislature of this Province, of which we have the Honour to be a Part, if your Excellency shall approve of our Answers: That what we have said may be exposed to the Examination of every one in this Place, where the Truth of the Matters of Fact is best known; and that the Correspondents of these Merchants may have the most publick Notice to reply, if they shall think it proper, or to disown in a publick Manner, that they are the Authors of such groundless Informations.

All which is unanimously and humbly submitted by

Your Excellency's

Most obedient humble Servants,

R. Walter,
Rip Van Dam,
John Barberie,
Fr. Harrison,
Cadwallader Colden,
Ja. Alexander,
Abraham van Horn.

A Memorial concerning the Furr-Trade of the Province of New-York.

Presented to his Excellency William Burnet, Esq; Captain General and Governor, &c. by Cadwallader Colden, Surveyor General of the said Province, the 10th of November 1724.

IT has of late been generally believed, that the Inhabitants of the Province of New-York are so advantageously situated, with respect to the Indian Trade, and enjoy so many Advantages as to Trade in general, that it is in their Power not only to rival the French of Canada, who have almost entirely engrossed the Furr-Trade of America, but that it is impossible for the French to carry on that Trade in Competition with the People of this Province. The enquiring into the Truth of this Proposition, may not only be of some Consequence, as to the Riches and Honour of the British Nation, (for it is well known how valuable the Furr-Trade of America is) but likewise as to the Safety of all the British Colonies in North-America. New-France (as the French now claim) extends from the Mouth of the River Misissippi, to the Mouth of the River St. Lawrence, by which the French plainly show their

Intention of enclosing the British Settlements, and cutting us off from all Commerce with the numerous Nations of Indians, that are every where settled over the vast Continent of North-America. The English in America have too good Reason to apprehend such a Design, when they see the French King's Geographer publish a Map, by which he has set Bounds to the British Empire in America, and has taken in many of the English Settlements both in South-Carolina and New-York, within these Boundaries of New-France. And the good Services they intend us, with the Indians, but too plainly appears at this Day, by the Indian War now carried on against New-England.

I have therefore for some Time past, endeavoured to inform myself, from the Writings of the French, and from others who have travelled in Canada, or among the Indians, how far the People of this Province may carry on the Indian Trade, with more Advantage than the French can; or what Disadvantages they labour under, more than the French do. As all Endeavours for the good of ones Country are excusable, I do not doubt but my Intention in this will be acceptable to your Excellency, though I be not capable of treating the Subject as it deserves.

I shall begin with Canada, and consider what Advantages they have either by their

Situation, or otherwise. Canada is situated upon the River of St. Lawrence, by which the five great Lakes (which may properly be called, The five Inland Seas of North-America) empty themselves into the Ocean. The Mouth of this great River is in the Lat. of 50 Degrees, overagainst the Body of Newfoundland. It rises from the Cataracui Lake, (the Easternmost of the five great Lakes) about the Lat. of 44 Degrees, and runs from thence about North-East to the Ocean, and is about nine hundred Miles in Length, from that Lake to the Ocean. The five great Lakes which communicate with each other, and with this River, extend about one thousand Miles Westward, further into the Continent. So far the French have already discovered, and their Discoveries make it probable, that an Inland Passage may be found to the South-Sea, by the Rivers which run into these Lakes, and Rivers which run into the South-Sea.

The Method of carrying Goods upon the Rivers of North-America, into all the small Branches, and over Land, from the Branches of one River to the Branches of another, was learned from the Indians, and is the only Method practicable through such large Forests and Deserts as the Traders pass thro', in carrying from one Nation to another, it is this; the Indians make a long narrow Boat,

made of the Bark of the Birch-tree, the Parts of which they join very neatly. One of these Canoes that can carry a Dozen Men, can itself be easily carried upon two Men's Shoulders; so that when they have gone as far by Water as they can (which is further than is easily to be imagined, because their loaded Canoes don't sink six Inches into the Water) they unload their Canoes, and carry both Goods and Canoes upon their Shoulders over Land, into the nearest Branch of the River they intend to follow. Thus, the French have an easy Communication with all the Countries bordering upon the River of St. Lawrence, and its Branches, with all the Countries bordering upon these In-land Seas, and the Rivers which empty themselves into these Seas, and can thereby carry their Burdens of Merchandize thro' all these large Countries, which could not by any other means than Water-carriage be carried thro' so vast a Tract of Land.

This, however, but half finishes the View the French have, as to their Commerce in North-America. Many of the Branches of the River Misissippi come so near to the Branches of several of the Rivers which empty themselves into the great Lakes, that in several Places there is but a short Land-Carriage from the one to the other. As soon as they have got into the River Misissippi,

they open to themselves as large a Field for Traffick in the southern Parts of North-America, as was before mentioned with respect to the northern Parts. If one considers the Length of this River, and its numerous Branches, he must say, That by means of this River, and the Lakes, there is opened to his View such a Scene of inland Navigation as cannot be parallel'd in any other Part of the World.

The French have, with much Industry, settled small Colonies, and built stockaded Forts at all the considerable Passes between the Lakes, except between Cataracui Lake (called by the French Ontario) and Lake Erie, one of our Five Nations of Indians, whom we call Sennekas, (and the French Sonontouans) having hitherto refused them leave to erect any Buildings there.

The French have been indefatigable in making Discoveries, and carrying on their Commerce with Nations, of whom the English know nothing but what they see in the French Maps and Books. The Barrenness of the Soil, and the Coldness of the Climate of Canada, obliges the greatest number of the Inhabitants to seek their living by travelling among the Indians, or by trading with those that do travel. The Governor, and other Officers, have but a scanty Allowance from the King, and could not subsist were it not

by the Perquisites they have from this Trade; neither could their Priests find any means to satisfy their Ambition and Luxury without it: So that all Heads and Hands are employ'd to advance it, and the Men of best Parts think it the surest way to advance themselves by travelling among the Indians, and learning their Languages; even the Bigotry and Enthusiasm of some hot Heads has not been a little useful in advancing this Commerce; for that Government having prudently turn'd the Edge of the Zeal of such hot Spirits upon converting the Indians, many of them have spent their Lives under the greatest Hardships, in endeavouring to gain the Indians to their Religion, and to love the French Nation, while, at the same time, they are no less industrious to represent the English as the Enemies of Mankind. So that the whole Policy of that Government, both civil and religious, is admirably turn'd to the general Advancement of this Trade. Indeed the Art and Industry of the French, especially that of their religious Missions, has so far prevail'd upon all the Indians in North-America, that they are every where directed by French Councils. Even our own Five Nations, (the Iroquois) who formerly were mortal Enemies of the French, and have always liv'd in the strictest Amity with the English, have, of late, (by the Practices of the French

Priests) been so far gain'd, that several of the Mohawks, who live nearest the English, have left their Habitations, and are gone to settle near Monreal in Canada; and all the rest discover a Dread of the French Power. That much of this is truly owing to the Priests, appears from many of the Sachems of the Iroquois wearing Crucifixes when they come to Albany: And those Mohawk Indians that are gone to Canada, are now commonly known, both to the French and English, by the Name of The Praying Indians, it being customary for them to go through the Streets of Monreal with their Beads, praying and begging Alms.

But notwithstanding all these Advantages, the French labour under Difficulties that no Art or Industry can remove. The Mouth of the River of St. Lawrence, and more especially the Bay of St. Lawrence, lies so far North, and is thereby so often subject to tempestuous Weather and thick Fogs, that the Navigation there is very dangerous, and never attempted but during the Summer Months. The Wideness of this Bay, together with the many strong Currents that run in it, the many Shelves, and sunken Rocks that are every where spread over both the Bay and River, and the want of Places for anchoring in the Bay, all increase the Danger of this Navigation; so that a Voyage

to Canada is justly esteem'd much more dangerous than to any other Part of America. The many Shipwrecks that happen in this Navigation, are but too evident Proofs of the Truth of this, particularly the Miscarriage of the last Expedition against Canada. The Channel is so difficult, and the Tides so strong, that after their Shipping get into the River, they never attempt to sail in the Night, tho' the Wind be fair, and the Weather good. These Difficulties are so considerable, that the French never attempt above one Voyage in a Year to Europe, or the West-Indies, tho' it be really nearer Europe than any of the English Colonies, where the Shipping that constantly use the Trade, always make two Voyages in the Year.

The Navigation between Quebeck and Monreal is likewise very dangerous and difficult: The Tide rises about 18 or 20 Feet at Quebeck, which occasions so strong a Stream, that a Boat of six Oars cannot make way against it: The River in many Places very wide, and the Channel at the same time narrow and crooked; there are many Shelves and sunken Rocks, so that the best Pilots have been deceived; for which reason the Vessels that carry Goods to Monreal are always obliged to anchor before Night, tho' both Wind and Tide be fair. The Flood goes no further

than Trois Rivieres, half way to Monreal, and about ninety Miles from Quebeck: After they pass this Place they have a strong Stream always against them, which requires a fair Wind and a strong Gale to carry the Vessels against the Stream. And they are obliged in this Part of the River, as well as under the Trois Rivieres, to come to an anchor at Night, though the Wind be good. These Difficulties make the common Passages take up three or four Weeks, and sometimes six Weeks; tho' if they have the chance of a Wind to continue so long, they may run it in five or six Days.

After they pass Monreal they have a strong Stream against them till they come near the Lakes; so that in all that, which is about one hundred and fifty Miles in Length, they force their Canoes forward with setting Poles, or drag them with Ropes along shoar; and at five or six different Places in that way the River falls over Rocks with such Force, that they are obliged to unload their Canoes, and carry them upon their Shoulders. They never make this Voyage from Monreal to Cataracui in less than twenty Days, and frequently, twice that Time is necessary.

Now we are come so far as the Lake, my Design leads me no further, for at this Lake all the far Indians, that go to Canada, must pass by our Traders. And from thence the

Road to the Indian Countries is the same from Albany that it is from Monreal.

Besides these Difficulties in the Transportation, the French labour under greater in the purchasing of the principal Goods proper for the Indian Market; for the most considerable and most valuable Part of their Cargo consists in Strouds, Duffils, Blankets, and other Woollens, which are bought at a much cheaper Rate in England than in France. The Strouds (which the Indians value more than any other Cloathing) are only made in England, and must be transported into France before they can be carried to Canada. Rum is another considerable Branch of the Indian Trade, which the French have not, by reason they have no Commodities in Canada fit for the West India Market. This they supply with Brandy, at a much dearer Rate than Rum can be purchased at New-York, tho' of no more Value with the Indians. Generally, all the Goods used in the Indian Trade, except Gun-Powder, and a few Trinkets, are sold at Monreal for twice their Value at Albany. To this likewise must be added, the necesssity they are under of laying the whole Charge of supporting their Government on the Indian Trade. I am not particularly informed of their Duties or Imposts, but I am well assured, that they commonly give six or seven hundred Livres for a Licence for one

Canoe, in proportion to her Largeness, to go with her Loading into the Indian Country to trade.

I shall next consider the Advantages the Inhabitants of New-York have in carrying on this Trade. In the first place, the Ships that constantly use the Trade to England perform their Voyage to and from London twice every Year; and those that go to Bristol (the Port from whence the greatest part of the Goods for the Indian Trade are exported) frequently return in four Months. These Goods are bought much cheaper in England than in France: They are transported in less Time, with less Charge, and much less Risque, as appears by the Premio for Insurance between London and New-York, being only Two per Cent. Goods are easily carried from New-York to Albany, up Hudson's River, the Distance being only 140 Miles, the River very strait all the way, and bold, and very free from Sandbanks, as well as Rocks; so that the Vessels always sail as well by Night as by Day, and have the Advantage of the Tide upwards as well as downwards, the Flood flowing above Albany. It may therefore be safely concluded, that all sorts of Goods can be carried to Albany at a cheaper Rate than they can be to Quebeck, which is also three times further from the Indian Country than Albany is. To put the Truth

of this out of all dispute, I need only observe what is well known both at New-York and Albany, viz. That almost all the Strouds carried by the French into the Indian Countries, as well as large Quantities of other Goods, for the Use of the French themselves, are carried from Albany to Monreal. There has been an Account kept of nine hundred Pieces of Strouds transported thither in one Year, besides other Commodities of very considerable Value. The Distance between Albany and Monreal is about two hundred Miles, all by Water, except twelve Miles between Hudson's River and the Wood-Creek, where they carry their Bark Canoes over Land, and about sixteen Miles between Chambly and La Prairie, overagainst Monreal. And tho' the Passage be so short and easy, these Goods are generally sold at double their Value in Albany.

But as this Path has been thought extremely prejudicial to the Interest of this Colony, I shall leave it, and go on to another, that leads directly from Albany into the Cataracui or Ontario Lake, without going near any of the French Settlements.

From Albany the Indian Traders commonly carry their Goods sixteen Miles over Land, to the Mohawks River at Schenechtady, the Charge of which Carriage is Nine Shillings New-York Money, or Five Shillings Sterling

each Waggon-Load. From Schenechtady they carry them in Canoes up the Mohawks River, to the Carrying-place between the Mohawks River, and the River which runs into the Oneida Lake; which Carrying-place between is only three Miles long, except in very dry Weather, when they are obliged to carry them two Miles further. From thence they go with the Current down the Onondaga River to the Cataracui Lake. The Distance between Albany and the Cataracui Lake (this Way) is nearly the same with that between Albany and Monreal; and likewise with that between Monreal and the Cataracui Lake, and the Passage much easier than the last, because the Stream of the Mohawks River is not near so strong as the Cataracui River between the Lake and Monreal, and there is no Fall in the River, save one short one; whereas there are (as I have said) at least five in the Cataracui River, where the Canoes must be unloaded. Therefore it plainly follows, that the Indian Goods may be carried at as cheap a Rate from Albany to the Cataracui Lake, as from Albany to Monreal. So that the People of Albany plainly save all the Charge of carrying Goods two hundred Miles from Monreal to that Part of the Cataracui Lake, which the French have to carry before they bring them to the same Place from Monreal, besides the Advantage

which the English have in the Price of their Goods.

I have said, That when we are in the Cataracui Lake, we are upon the Level with the French, because here we can meet with all the Indians that design to go to Monreal. But besides this Passage by the Lakes, there is a River which comes from the Country of the Sennekas, and falls into the Onondaga River, by which we have an easy Carriage into that Country, without going near the Cataracui Lake. The Head of this River goes near to Lake Erie, and probably may give a very near Passage into that Lake, much more advantageous than the Way the French are obliged to take by the great Fall of Jagara, because narrow Rivers are much safer for Canoes than the Lakes, where they are obliged to go ashore if there be any Wind upon the Water. But as this Passage depends upon a further Discovery, I shall say nothing more of it at this time.

Whoever then considers these Advantages New-York has of Canada, in the first buying of their Goods, and in the safe, speedy, and cheap Transportation of them from Britain to the Lakes, free of all manner of Duty or Imposts, will readily agree with me, that the Traders of New-York may sell their Goods in the Indian Countries at half the Price the People of Canada can, and reap twice the

Profit they do. This will admit of no Dispute with those that know that Strouds (the Staple Indian Commodity) this Year are sold for Ten Pounds apiece at Albany, and at Monreal for Twenty-five Pounds, notwithstanding the great Quantity of Strouds said to be brought directly into Quebeck from France, and the Great Quantities that have been clandestinely carried from Albany. It cannot therefore be denied that it is only necessary for the Traders of New-York to apply themselves heartily to this Trade, in order to bring it wholly into their own Hands; for in every thing besides Diligence, Industry, and enduring Fatigues, the English have much the Advantage of the French. And all the Indians will certainly buy, where they can, at the cheapest Rate.

It must naturally be objected, That if these things are true, how is it possible that the Traders of New-York should neglect so considerable and beneficial Trade for so long time?

In answering this Objection, I shall show the Difficulties New-York has labour'd under, by giving a short History of the Country, so far as it relates to this Trade. Which Method, I think, can be liable to the least Objection, and put the whole in the truest Light.

When this Country (the Province of New-

York) came first under the Crown of Great Britain, our Five Nations of Indians were mortal Enemies of the French at Canada, and were in a continual War with them, and all the Nations of Indians round the Lakes; so that then it was not safe for the English to travel further than the Countries of the Five Nations; nor would our Indians permit the far Indians (with whom they had constant War) to pass thro' their Countries to Albany. Besides, the Five Nations of Indians were at that time so numerous, (consisting of ten times the Number of fighting Men they now do) that the Trade with them alone was very considerable for so young and small a Colony. In the latter End of King Charles's Reign, when the Duke of York, and Popish Councils prevail'd, the Governor of New-York (who was likewise a Papist) had Orders to use all his Endeavours to make up a Peace between our Nations (the Iroquois) and the French; and that he should persuade the Five Nations to admit French Priests among them, in order to civilize them. The Consequence of which was, that the French thereby obtained a free Commerce upon the Lakes, and obtain'd leave to build Cataraqui Fort upon the North-side of Cataracui Lake, and have two Vessels of Force upon the same Lake. From this Time, during all King James's Reign, the French, whenever they

had any Differences with our Five Nations, threaten'd, that the English of New-York would join with them, and destroy the Five Nations; by which, and the Practices of the French Priests, our Five Nations became very much alienated in their Affections from the English, and look'd upon them as a People depending upon the French. The Consequences of this appeared so dangerous to Colonel Dungan, the Governor of New-York, (though, as I have said, a Papist) that he again and again complain'd to his Master of the ill Offices the French Priests did the English among our Nations. When the English had thus procur'd a Peace for the French, they thought they might justly reap some Advantage from it; and it's hardly to be doubted but that they had Promises of that kind. They were therefore encouraged to send forty Men, with great Quantities of Goods, into the Lakes, under the Command of Major McGregory, to trade with the far Nations. At this time Mr. Denonville, Governor of Canada, was gathering together all the Force of Canada, and of the Indians, (Enemies of the Five Nations) in order to surprize the Five Nations, and destroy them, at the Time they thought themselves secure by the Peace so lately made. Major McGregory, and his Company, were met by a French Officer on Lake Erie, coming with a

great Number of Men to the general Rendezvous of the French, and he, with all the English, were made Prisoners. They were used with such Severity as has never been practis'd between Christian Nations in open War, tho' the two Crowns, at that time, were not only at Peace, but under the strictest Ties of mutual Friendship; for the French used these People as Slaves in building Cataraqui Fort, and a poor Frenchman that had conducted them, was publickly shot to Death, as if he had brought an Enemy into their Country. Such was their Apprehensions then of the English getting any Footing among the Indians.

The French Governor surprized a Village of the Five Nations, who, on the French Faith, liv'd in Great Security, but seven or eight Leagues from the French Fort, and sent these miserable People to the Galleys in France. He afterwards fell upon the Sennekas, and burnt their Villages, but without any Advantage to the French, they having lost more Men than the Indians did. This renew'd the War with greater Fury than ever, between the French and our Indians. For some time afterwards, our Indians, in a great Body, fell upon the Island of Monreal, while Mr. Denonville was in the Town: They burnt and destroy'd all the Villages and Houses round Monreal, and kill'd some hun-

dreds of Men, Women, and Children. Afterwards they came into the open Fields before Monreal, and there defy'd the French Governor, who did not think it proper to fight them. And when they had done all the Mischief they could, they retir'd without any Loss.

About this Time the Revolution happen'd in Great-Britain, which was succeeded by a War between Great-Britain and France. In February, $16\frac{8}{9}\frac{9}{0}$, a Party of three hundred Men, consisting of eqnal Numbers of French and Indians, surprized Schenechtady in the Night-time, when the poor People were in their Beds, in the greatest Security, where they barbarously murdered sixty-three Men, Women, and Children, in cold Blood, laid the Village in Ashes, and then retir'd, without reaping any other Advantage besides this cruel Revenge on innocent People, for the Mischief our Indians had done them. This rais'd a cruel War between the two Colonies, in which there was much Mischief done, and Blood shed, without any Advantage to either side.

In Time of this War, the most Christian King's Governor of Canada was so much provoked, that he thought fit to follow the Example of our barbarous Indians, and burn his Indian Prisoners alive, in the most cruel Manner, in sight of all the Inhabitants of

Quebeck, and to deliver up the English Prisoners to the French Indians, who indeed had more Mercy, for they kill'd none of them.

King William's Peace put an End to this War; but the Peace lasted so short a while, that the People of this Province hardly had time to re-settle their Farms on the Frontiers, which they had deserted in the Time of the War, much less to adventure trading in the Indian Countries, so lately the Scene of so much Cruelty. But both Colonies having now an Abhorrence of the Cruelties of the last War, agreed on a kind of Neutrality for the Indians, during Queen Anne's War, in which Time we lost much ground with our own Indians: For the French having learn'd, by dear Experience, that it was not possible for them to conquer our Five Indian Nations, resolv'd to try all Means to gain their Affections, and in this Art the French are always more successful than in that of War; and the English failing in two ill-concerted Expeditions against Canada, the Indians lost much of the Opinion they had of the English Power and Valour.

In Time of this last War, the clandestine Trade to Monreal began to be carried on by Indians, from Albany to Monreal. This gave Rise to the Kahnuaga, or Praying Indians, who are entirely made up of Deserters from the Mohawks and River Indians, and

were either enticed thither by the French Priests, or by our Merchants, in order to carry Goods from Albany to Monreal, or run away for some Mischief done here. These Indians now consist of abont eighty fighting Men, and live about four Leagues above Monreal: They neither plant nor hunt, but depend chiefly upon this private Trade for their Subsistence. These Indians, in time of War, gave the French Intelligence of all Designs here against them: By them likewise the French engaged our Five Nations in a War with the Indians Friends of Virginia, and from them we might expect the greatest Mischief in Time of War, seeing every Part of the Province is as well known to them as to any of the Inhabitants. But if this Trade was entirely at an end, we have reason to believe, that these Indians would return to their own Tribes, for they then could not long subsist where they now are.

As soon as the Peace was proclaim'd, an open Trade with Monreal was carried on with such Earnestness, that Monreal was fill'd with Indian Goods, and Albany exhausted; by which means Monreal became the principal, if not the only Indian Market, and the Indians depended entirely on the French for what they wanted.

Our Merchants were fond of the Canada Trade, because they sold large Quantities of

Goods without any Trouble, the French taking them from their Doors; whereas the Trade with the Indians is carried on with a great deal of Toil and Fatigue; and as to the Interest of the Country, they either never thought any thing about it, or if they did, had no regard to it.

Now I have brought this Account to the Time your Excellency arriv'd; what has happen'd since, your Excellency knows better than I can by any means inform you. From the whole, it seems plain, that any Difficulties and Disadvantages this Province has been under, have only proceeded from the Wars, which have continued since the first settling of the Province, to the beginning of the last general Peace. But now, that not only this Province, but likewise our six Nations of Indians are at Peace, and in Amity, both with the French, and all the Indian Nations with whom we can have any Commerce, these Difficulties are all remov'd, and we now enjoy the most favourable Time, that at any time can be hoped for, in order to extend the British Commerce in North-America, while the French not only labour under the Difficulties which I have shown to be inseparable from the Situation of their Colony, but likewise under another Disadvantage, (not before taken notice of) by the Furr-Trade of Canada

being restrained to one Company. This Company is obliged to pay heavy Duties in France upon the Importation of Beaver, or any other Furr; for which reason they always fix a Price upon Beaver, and their other Furrs, in Canada; and the Indian Traders of Canada being restrain'd from selling to any but the Company's Agents there, they cannot raise the Price of Indian Goods as the Price of European rise, or as their Profit on the Goods they sell to the Indians is lessen'd.

The Merchants of New-York allow our Indian Traders double the Price for Beaver, that the French Company allow their Indian Traders, the Price established by the Company for Beaver, in Canada, being two Livres, or eighteen Pence Sterling, the Pound-weight; and the current Price of Beaver in New-York being five Shillings New-York Money, or three Shillings Sterling the Pound-weight. Therefore it plainly follows, that our Indian Traders could undersell the French Traders, tho' they were to give as great a Price for European Goods as the French do, and did transport them at as great Charge, because of the double Price they have for their Furrs in New-York.

But as our Indian Traders not only have a double Price for their Indian Goods, but likewise buy the Goods they sell to the Indians, at half the Price the French Indian Traders

do, the French Traders must be ruin'd by carrying on this Trade, in Competition with the English of New-York. And the French Indian Traders had been ruin'd before now, if they had not found means to carry their Beaver to Albany, where they got double the Price they must have sold for in Canada.

It may be objected, against this Argument, That the Canada Company as soon as they find that the Traders cannot sell at their established Price, will allow a greater Price. But if we consider the Duties the French Company is obliged to pay to the King, they cannot allow so great a Price as the English can at New-York. And if it should be insisted, That the French Company may obtain a Remission of those, yet if the clandestine Trade with Albany be entirely stopt, the French Traders will be ruin'd before such Remission can be obtain'd, and their Trade will be at an end.

My Inclination led me to show what Advantages not only the Indian Trade would reap by extending our Frontiers as far as the Lakes, but likewise the British Trade in some other Branches, which the Parliament of Great Britain seem to have much at heart, viz. Naval Stores; for the Soil on both Sides of the Mohawks River being as rich as it is possible (I believe) for any Land to be,

will be found the most proper for raising of HEMP, of any Part of America, and the whole Country round it being full of the largest Pines, the royal Navy is as likely to be well provided with MASTS there, and at as cheap a rate as any where else. But I have already too far presum'd on your Excellency's Patience.

Cadwallader Colden.

To this it may not be improper to add the following Original Letter.

From J. A. Esq; to Mr. P. C. of London, shewing the Success of the Measures taken at that Time.

SIR, *New-York, 1740.*

If you should be at the Pains to read these printed Papers, it will be a Pleasure to you to hear of the Success of the Measures taken by Governor Burnet for redeeming the Indian Trade out of the Hands of the French. He has succeeded far above our Expectations.

Governor Burnet, through his earnest Application, and at first chiefly with his Money, Credit, and Risque, erected a Trading-House and Fortification at the Mouth of the Onondagues River, called Osneigo, where the Province of New-York supports a Garrison of

Soldiers, consisting of a Lieutenant and twenty Men, which are yearly relieved.

At this Place a very great Trade is carried on with the remote Indians, who formerly used to go down to the French at Monreal, and there buy our English Goods, at second Hand, at above twice the Price they now pay for them at Osneigo; whilst, at the same time, the French were chiefly supplied by one Gentleman at New-York, who almost entirely engrossed the Indian Trade of this Province, and thereby acquired a very great Estate and Influence. But the prudent Steps taken by our late worthy Governor, to open a free Trade, was the Cause of the Engrosser's losing his.—The Probability of doing this, was the principal Motive of our applying to the King, which is shown by these printed Papers.

The Indian Trade, to the great Advantage of this Province, is now divided into several hundred Hands, and there have been for many Years past upwards of one hundred young Men of this Province, who have gone yearly among the Indians, to supply them with our Goods.

By this means, at a modest Estimate, I am assured, that the Indian Trade of this Province is now far above five times as much as when Governor Burnet began to put his Scheme in execution.

And this is not all the Advantages reaped thereby, but a much more considerable one to this, and all the other English Colonies is, that not only our own six Nations, but also many far and remote Indian Nations are drawn off from their Dependance on the French, and made, by Trade and Intercourse, dependant on the English; by this means a great Security and Protection is acquired by the English, in case of a War with France; and by this Trade our Settlements in this Province are extended up to the Onondagues Carrying-Place, which is now well attended with Waggons, for the more commodious transporting of Goods to trade in the Lakes.

And they are now settling on the Branches of Sasquehanah River; and from the western Branches of this River, there is but a small Land-Carriage to Allegheny, a Branch of that great River Misissippi; which Branch extending a thousand Miles from its Mouth, where it enters the said River; and which joins so near to our Settlements, as is above taken notice of, opens us a Trade to that vast Country, called by the French Louisiana, which they possess on the Misissippi.

I am, Sir, Your humble Servant,

J. A.

THE TREATY HELD WITH THE *INDIANS* OF THE SIX NATIONS, AT *PHILADELPHIA*, In *JULY*, 1742.

THE

TREATY, &c.

The Deputies of the six Nations having, at their last Visit, agreed to release their Claim to all the Land on both Sides of the River Sasquehanah, as far South as this Province extends, and to the Northward to those called the Endless Mountains, or Kittochtinny Hills; in Consideration whereof, they then received a large Quantity of valuable Indian Goods for the Lands situate on the Eastern Side of the said River, but declined at that Time to receive any for those on the Western Side of the said River, chusing to defer the same till another Visit; a large Number arrived from these Nations at Philadelphia, on Wednesday the 30th of June, with Deputies duly impowered to receive the said Goods; and acquainted the Governor, that being weary from the Fatigue of their long Journey, they should crave three or four Days to rest themselves before they proceeded to their Business: In the mean time they would wait on the Governor to discourse, according to their usual Method,

about News and other Occurrences; which the Governor readily agreed to, and ask'd them when they would chuse to pay their first Visit; which they desiring might be on Friday the 2d of July, in the Afternoon, the Council was accordingly summon'd, and met at Mr. Logan's House, where were

PRESENT,

The Honourable GEORGE THOMAS, Esq; Lieutenant-Governor.

James Logan,
Clement Plumsted,
Samuel Hasell,
Abraham Taylor,
Samuel Preston,
Thomas Lawrence,
Ralph Asheton,
Robert Strettell,
} Esqrs;

The Chiefs of the Six Nations, with the Chiefs of the Shawanese.

CANASSATEEGO, the Onondago Chief, Speaker.

CONRAD WEISER, Interpreter.

The Governor opened the Conference as follows.

BRETHREN,

"The Proprietor having purchased certain Lands from your Nations about six Years

ago, a Moiety of what was agreed to be given in Consideration of that Purchase was at that Time delivered to them, and the other being at their Desire left in the Proprietor's Hands, he pressed you by Shikalamy to send last Year for it, and would have been glad to have seen you, and taken you by the Hand before his Departure. But as the Design of this Meeting is to hear your News, and converse together in a free and friendly Manner, I shall say no more about the Goods than that they lie ready at the Proprietor's House, and will be delivered when you shall have sufficiently rested from the Fatigue of your Journey."

The Chief of the Onondagoes spoke.

BRETHREN,

"We propose to rest four Days, and then come to the main Business. At present we are at a private Conference about News, and have something of this sort to mention to our Brother Onas." And on the Governor's signifying they would be glad to know what it was, the Chief proceeded.

"*BRETHREN,*

"It is our Way when we come to our Brethren, or any other Persons, whom we live in strict Friendship with, to remove all

Obstructions to a good Understanding; with this View we are to inform you of a Piece of disagreeable News that happen'd in our Journey.——Some White People living at a Place called Conegocheegoe, whose Names we cannot tell, nor whether they belong to this or the neighbouring Government, but one of them, as we heard, had his House burnt over his Head some Years ago, and he was brought down a Prisoner and committed to the Goal of this City: These People lighting of our young Warriors, as they were hunting, made some Proposals about the Purchasing of Land from them, and our young Men being indiscreet, and unacquainted with publick Business, were foolish enough to hearken to them, and to receive five Duffil Strowds for two Plantations on the River Cohongoronto. A Conestogoe Indian, and a French Indian, and some others that were in Company, had three Duffil Strowds, and went away with them; and our young Men carried off the other two. As soon as this came to our Knowledge, we sent for our Warriors, and after examining and rebuking them severely, we took away their two Strowds, and publickly censured them for exposing us to our Brethren of Pensylvania, in doing a Thing so inconsistent with our Engagements to them; 'You are, said we aloud, that all our People might hear and take Notice, to know and remem-

ber, that the Six Nations have obliged themselves to sell none of the Land that falls within the Province of Pensylvania, to any other but our Brother Onas, and that to sell Lands to any other is an high Breach of the League of Friendship.' Brethren, this rash Proceeding of our young Men makes us ashamed. We always mean well, and shall perform faithfully what we have promised: And we assure you, this Affair was transacted in the Manner we have related, without our Privity or Consent. And that you may be fully convinced of this, and of the Sincerity of our Intentions, we have brought you these two Strowds [here he presented two red Strowds to the Governor] they are the very Strowds our foolish young Men received; we took them from them, and we give them to you to return to those white People who made the Bargain, and desire when the Strowds are returned to them, they may be told what we now say, and that we shall not confirm such Bargains, nor any other that may interfere with our Engagements to our Brother Onas."

The Governor then spoke:

"*BRETHREN,*

"I thank you for this Piece of News; you have taken this Matter perfectly right. All

Bargaining for Land within this Province, is, to be sure, a manifest Breach of your Contract with the Proprietors, and what we know you will not countenance. We have hitherto found the Six Nations faithful to their Engagements, and this is a fresh Instance of their Punctuality. You could not help these Mistakes of your young Men; they were not done in your Presence: But as several Inconveniencies may arise from these kind of clandestine Sales, or from any such loose Sales of Land by your People, we desire you will, on your Return home, give publick Notice to all your Warriors not to bargain for any Land; or if they do, that you will not confirm such Bargains; and that this very Affair, together with what you have done therein, may be particularly reported to all your Nation assembled in Council."

The Onondago Chief promised to give such publick Notice; and desiring Liberty to mend his former Speech, he proceeded:

"*BRETHREN,*

"I forgot one Circumstance: Our People, who pretended to sell the Land, demanded a Belt of Wampum of the Buyers to carry to their Chiefs; and on their declaring they had no Wampum, our Warriors said, they would not answer that their Chiefs would confirm

this Bargain, since they never did any thing of this Nature without Wampum."

The Governor, after a short Pause, spoke:

"*BRETHREN of the Six Nations*,

"I take this Opportunity to relate to you a Piece of disagreeable News I received some Days ago in a Letter from Le Tort, the Indian Trader, at Allegheny, who says, 'That in May last some Indians of the Taway Nation, supposed by us to be the Twightwees, in their Return from War, called and staid some Time with the Shawanese; who being asked, and denying they had brought either Scalps or Prisoners, the Shawanese suspecting them, had the Curiosity to search their Bags, and finding two Scalps in them, that by the Softness of the Hair did not feel like Indian Scalps, they wash'd them clean, and found them to be the Scalps of some Christians. On this Discovery, the Twightwees were so much ashamed, that they stole away from their Town in the Night time; and coming, as they afterwards understood, to a little Village belonging to the Shawanese, they told our People that their Hearts were full of Grief; for, as they came along the Road, they found it all bloody; and having good Cause to believe it was made bloody with the Blood of some of the white Brethren, they

had very sorrowfully swept the Road; and desired them to inform the Governor of Pensilvania of their (the Twightwees) Grief; and how they had swept the Road clean.' Le Tort adds, on Behalf of the Shawanese, 'That they were much grieved at this unfortunate Accident; and prayed, as they had no Concern in it, more than by being Instruments to discover it, their Brethren would not blame them, nor suffer a Misunderstanding to arise between them on this Account: They would sweep the Road clean, and wipe all the Blood away; and desired their Brethren would be satisfied with this, and not weep too much for a Misfortune that might not happen again as long as the Sun and Moon shone.'

"The Person who delivered me Le Tort's Letter, brought this Bundle of Skins as a Present to me; but I told the Messenger, I would not meddle with it; he might leave it if he pleased: The Affair appear'd to me in a bad Light, and I would represent it to the Six Nations, who were expected in Town every Day. This is the Fact, as I have it from Le Tort: I desire to be inform'd if you know any thing of this Matter; and if you do not, that you will make diligent Enquiry who committed the Murder, and who are the unhappy Sufferers, and assist us to obtain Satisfaction, if it shall appear to be any, of

our Fellow-Subjects that have been treated in this Manner."

To inforce this Request, I present you with this String of Wampum.

The Onondago Chief, in Reply, said:

BRETHREN,

"We take this Information kindly at your Hands; we will take this String of Wampum home with us to our Lodgings, and there consult about the most regular and proper Steps to be taken by us to answer your Expectations, and when we have duly considered the Matter, we will return you an Answer."

Upon this the Governor put an End to the Conference; and calling for Wine, and other Liquors, according to the Indian Custom, after a decent and chearful Entertainment, the Indians withdrew.

At a COUNCIL held at the Proprietor's House, July 5, 1742.

PRESENT

The Honourable GEORGE THOMAS, Esq; Lieutenant-Governor.

James Logan,
Clement Plumsted, } Esqrs;

With several Gentlemen of the Town.

The Chiefs of the Six Nations.

It being judg'd proper, at this critical Time, when we are in daily Expectation of a French War, to sound the Indians, and discover what Dependance we might have on them, in case their Aid should be wanted, an handsome Dinner was provided for their Chiefs; and after they had made an hearty Meal, and drank his Majesty's Health, the Proprietors, and the Health of the Six Nations, the Chiefs gave the solemn Cry, in Testimony of their Thanks for the Honour done them. And soon after the Governor began, in a free Way, to enquire for what Reason the Senecas were not come down, since they had an equal Share of the Goods with the other Nations.———Canassateego, their Speaker, said, "The Senecas were in great Distress, on Account of a Famine that raged in their Country, which had reduced them to such Want, that a Father had been obliged to kill two of his Children to preserve his own, and the rest of his Family's Lives; and they could not now come down, but had given Directions about their Share of the Goods."——The Governor express'd his Concern for the unhappy Circumstances of their Brethren of the Seneca Nation; and, after a short Respite, enquired if any of their Deputies were then at Canada, and whether the French Governor was making any warlike Preparations. And on their answering Yes,

the Governor said, with a smiling, pleasant Countenance, "I suppose, if the French should go to War with us, you will join them." The Indians conferr'd together for some Time, and then Canassateego, in a chearful lively Manner, made answer.—— "We assure you, the Governor of Canada pays our Nations great Court at this Time, well knowing of what Consequence we are to the French Interest: He has already told us, he was uncovering the Hatchet, and sharpening it, and hoped, if he should be obliged to lift it up against the English, our Nations would remain neuter, and assist neither Side. ——But we will now speak plainly to our Brethren: Why should we, who are one Flesh with you, refuse to help you, whenever you want our Assistance?——We have continued a long Time in the strictest League of Amity and Friendship with you, and we shall always be faithful and true to you our old and good Allies.——The Governor of Canada talks a great deal, but ten of his Words do not go so far as one of yours.—— We do not look towards them; we look towards you; and you may depend on our Assistance." Whilst the Onondago Chief made this open and hearty Declaration, all the other Indians made frequently that particular Kind of Noise which is known to be a Mark of Approbation.——The Governor

bid the Interpreter tell Canassateego, "He did not set on foot this Enquiry from any Suspicion he had of the Six Nations wanting a due Regard for the English.—Our Experience of their Honour and Faith, said he, would not permit us to think any other of them, than that they would esteem our Friends their Friends, and our Enemies their Enemies, agreeable to the strict Union which had ever subsisted between us.—As to the Governor of Canada, he told them they need not mind what he said.—The English, on equal Terms, had beat the French, and could beat them again: And were they but to consider the Advantages which the English have, by possessing so many large and populous Countries, and so many good Ports on the Continent of America, they would soon see who had most Reason to fear a War, the French or the English."

Here the Conversation dropped; and after another Glass of Wine, the Indians resumed the Discourse, by asking whether their Brethren had not been for some Time engaged in a War with the King of Spain, and what Successes they had met with.

The Governor told them, the King of Great-Britain lived in an Island, and being surrounded with the Sea, his chief Strength lay in his Ships; in which he was so much

superior to his Enemies, that they were seldom to be met with on the broad Ocean, but sculk'd and hid themselves, only venturing out now and then; and whenever they did, they were almost sure to be taken; and that the King of Great-Britain had with his Ships, beat down, or taken several of the Spaniards great Forts in America.—The Indians said, they were pleased to hear their Brethren were an Over-match for their Enemies, and wish'd them good Success.

The Governor then enquired into the State and condition of the Nations to the Westward of the Great Lakes, and whether they had any Warriours then in those Countries? Whether they had concluded Peace with the Southern Indians? And whether they had heard what their Deputies had done at Albany?

They made Answer: That they had always Abundance of their Men out amongst the Nations situate to the West of their Lakes.—That they had kindled a Fire with a vast many Nations, some whereof were Tributaries, and they had a good Understanding with all.—They set out from their own Country in Company with two Sets of Deputies, one going to hold a Treaty with the Southern Indians, and they believed a Peace would be concluded: The other going to meet the Governor of New-York, at Albany; but they

could not tell what had been done at either Place.—On their return, they were to hold a General Council, and would inform their Brethren of these Particulars.

Then the Governor put an End to the Conference, by telling the Indians the Goods would be delivered to them at a Council to be held To-mororw Afternoon at the Meeting-House.

At a Council held in the Meeting-House, Philadelphia, July 6, 1742.

PRESENT,

The Honourable GEORGE THOMAS, Esq; Lieutenant-Governor.

James Logan,
Clement Plumsted,
Abraham Taylor,
Samuel Preston,
Ralph Asheton,
Robert Strettell,
} Esqrs;

CANASSATEEGO, Chief of the Onondagoes, Speaker.

Shicalamy, and a great Number of Indians, whose Names are as follows, viz.

ONONTOGOES.
Sawegaty, }
Caxhayion, } *Counsellors.*
Saguyassatha,
Kayadoghratie, alias Slanaghquasy,
Rotier-uwughton,

Tokaughaah,
Tiorughwaghthe,
Tokano-ungoh,
Aronty-oony,
Tohanohawighton,
Tioghwatoony,
Auughrahysey.

CAIYOQUOS.

Sahugh-sowa, } *Chiefs.*
Tohatgaghthus, }

Tokany-esus,
Runho-hihio,
Kanadoghary,
Zior-aghquaty,
Sagu-i u g h w a t h a, alias Cadcaradasey,
Sca-yenties,
Tats-heghteh,
Alligh-waheis,
Tayo-quario,
Hogh degh runtu,
Rotehn Haghtyackon, *Captain.*
Sawoalieselhohaa,
Sagughsa-eck,
Uwantakeraa,
Horuhot,
Osoghquaa,
Tuyanoegon.

ANOYIUTS, or ONEIDAS.

Saristaquoh, }
Ungquaterughhiathe, alias } *Chiefs.*
Shikelimo, }

Tottowakerha,
Taraghkoerus,
Onughkallydawwy, a noted young Chief.
Onughnaxqua, *Chief.*
Tawyiakaarat,
Tohathuyongochtha,
Sughnakaarat,
Taghneghdoerus,
Tokanyiadaroeyon,
Sagogughyatha,
Rahehius,
Tokanusoegon.

JENONTOWANOS, or SENECAS.

Karugh iagh Raghquy, *Captain.*
Tahn heentus,
Onontyiack.

TUSCARROROS.

Sawoutka,
Ti-ieroes,
Cloghsytowax, } *Chiefs.*

Tokaryhoegon, *Captain.*
Oghioghseh,
Tieleghweghson,
Tougrotha,
Yorughianego,
Ot-quehig,
Squaghky,
Sayadyio,
Onughsowûghton,
Cherigh wâstho,
Aghsûnteries,
Tion ogh scôghtha,
Saligh wanaghson,
Ohn-wâasey,
Tocar-eher [died since at Tulpehokin.
Tohanatâkqua,
Kanyhâag.

SHAWANOES.

Wehwehlaky, *Chief.*
Aset teywa,
Asoghqua,
Maya minickysy,
Wawyia Beeseny.
Canestogo Indians that speak the Onayiut's Language.
Tior Haasery, *Chief.*
Tanigh wackerau,
Karha Cawyiat,
Kayen quily quo.

CANOYIAS, or NANTIKOKES, of Canestogo.

Des-seheg,
Ichqua que heck,
Quesamaag,
Ayiok-ius.

DELAWARES of Shamokin.

Olumapies, }
Lingehanoah, } *Chiefs.*

Kelly macquan,
Quitie-yquont,
Pishquiton,
Nena chy haut.

DELAWARES from the Forks.

Onutpe,
Lawye quohwon, alias Nutimus,
Chiefs.

Toweghkappy.

Cornel. Spring, and others.

Conrad Weiser, Cornelius Spring, Interpreters.

And a great Number of the Inhabitants of Philadelphia.

The Governor having commanded Silence, spoke as follows:

"*Friends and Brethren of the Six Nations,*

"Six Years ago a Number of your Chiefs obliged us with a Visit, when they agreed on Behalf of your Nations, to the Release of certain Lands on both Sides the River Sasquehannah, to the Southward of the Endless-Mountains, and within the Limits and Bounds of the King's Grant of this Province. In Consideration of which, a certain Quantity of Goods was agreed on, and delivered as a full Satisfaction for the said Lands, lying on the Eastern Side of the said River: And for the Lands on the Western Side of the said River, you desired the Payment should be deferr'd till another Opportunity. These Goods, which are exactly the same in Quantity, as those you received the last Time the Chiefs of your Nations were here, have been ready a considerable Time, and kept in Ex-

pectation of your coming for them: And now you are come down, fully impowered by your respective Councils to receive them, we are well pleased to deliver them; leaving it to you to make a fair and equal Division of them amongst yourselves. We are sorry for the Absence of our Brethren the Senecas, and much more so, that it should be owing to their Distress at Home by a Famine that rages in their Country:—A Famine so great, that you tell us a Father has been obliged to sacrifice one Part of his Family, even his own Children, for the Support and Preservation of himself, and the other Part.—We heartily commiserate their Condition, and do not doubt but you will do them fair and ample Justice in the Disposal of their Part of the Goods, in such Manner as they have instructed you. You shall now hear the List of the Goods read to you."

Here, by the Governor's Order, the List of the Goods was read over, viz.

500 Pounds of Powder.	40 Pair Stockings.
600 Pounds of Lead.	100 Hatchets.
45 Guns.	500 Knives.
60 Strowd-Matchcoats.	100 Hoes.
100 Blankets.	60 Kettles.
100 Duffil Matchcoats.	100 Tobacco-Tongs.
200 Yards Half-thick.	100 Scissars.
100 Shirts.	500 Awl-Blades.
40 Hats.	120 Combs.
40 Pair Shoes & Buckles	2000 Needles.

1000 Flints.	1000 Tobacco-Pipes.
24 Looking-Glasses.	200 Pounds of Tobacco.
2 Pounds of Vermilion.	24 Dozen of Gartering, and
100 Tin-Pots.	25 Gallons of Rum.

Then the Governor told them that the Goods, of which the Particulars had been just read to them, were in the Meeting-House, and would be sent to whatever Place they would direct.

The Governor then proceeded:

BRETHREN,

"You have often heard of the Care that your great and good Friend and Brother William Penn, took at all Times to cultivate a perfect good Harmony with all the Indians: Of these your Nations have ever been fully sensible; but more especially a Number of your Chiefs, about ten Years ago, when on the Arrival of a Son of your said great Friend William Penn, large and valuable Presents were exchanged by us with you; a new Road was made and clear'd; a new Fire kindled; and the Chain of Friendship made stronger, so as to last while the Sun and Moon endure.

"And now we cannot but congratulate ourselves, that your coming should happen at a Time, when we are in daily Expectation of a War being declared between the King of England, and the French King, well knowing

that should such a War happen, it must very sensibly affect you, considering your Situation in the Neighbourhood of Canada. Your coming at this Juncture is particularly fortunate, since it gives us an Opportunity of mentioning several Things that may be necessary to be settled, between People so strictly and closely united as we are.—An Union not to be expressed by any Thing less, than the affectionate Regards which Children of the same Parents bear for each other, as conceiving ourselves to be one Flesh and one People.

"The utmost Care therefore ought mutually to be taken by us on both Sides, that the Road between us be kept perfectly clear and open, and no Lets nor the least Obstruction be suffered to lie in the Way; or if any should by Accident be found, that may hinder our free Intercourse and Correspondence, it must forthwith be removed.

To inforce this, we lay down a String of Wampum.

"In the next Place, we, on our Part, shall inlarge our Fire that burns between us. We shall provide more Fewel to increase it, and make it burn brighter and clearer, and give a stronger and more lasting Light and Warmth.

In Evidence of our sincere Intentions, we lay down this Belt of Wampum.

"In the last Place, considering the Obligations we are mutually under by our several

Treaties, 'That we should hear with our Ears for you, and you hear with your Ears for us.' We shall at Times very willingly give you the earliest and best Intelligence, of any Designs that may be form'd to your Disadvantage.—And if you discover any Preparations that can hurt us, we desire you will immediately dispatch some suitable Person in whom we can place a Confidence, to give us a proper Information.

To inforce this Request, as well as to brighten the Chain, we lay down this other Belt of Wampum.

On the Governor's concluding the Speech, the solemn Cry by Way of Approbation was repeated by the Indians, as many Times as there were Nations present; and then Canassateego rose up and spoke.

BRETHREN,

"We thank you for your kind Speech: What you have said is very agreeable to us; and To-morrow when we have deliberated on the several Matters recommended to us, we will give you our Answer. We desire, as our Time will be wholly taken up in Council, you will order the Goods to be carried back to the Proprietaries to prevent their being lost, and that they may continue there till we call for them."

At a Council held in the Meeting-House, July 7, 1742.

PRESENT,

The Honourable GEORGE THOMAS, Esq; Lieutenant-Governor.

James Logan, Samuel Preston,
Thomas Lawrence, Samuel Hasell, } Esqrs;
Abraham Taylor, Robert Strettell,

CANASSATEEGO's Speech on Behalf of the Six Nations.

"*BRETHREN, the Governor and Council, and all present,*

"According to our Promise we now propose to return you an Answer to the several Things mentioned to us Yesterday, and shall beg Leave to speak to publick Affairs first, tho' they were what you spoke to last. On this Head you Yesterday put us in Mind, first, "Of William Penn's early and constant Care to cultivate Friendship with all the Indians; of the Treaty we held with one of his Sons, about ten Years ago; and of the Necessity there is at this Time of keeping the Roads between us clear and free from all Obstructions. We are all very sensible of the kind Regard that good Man William Penn had for all the Indians, and cannot but be pleased to find that his Children have the same. We well remember the Treaty you

mention held with his Son on his Arrival here, by which we confirmed our League of Friendship, that is to last as long as the Sun and Moon endure: In Consequence of this, we, on our Part, shall preserve the Road free from all Incumbrances; in Confirmation whereof we lay down this String of Wampum.

"You in the next Place said you would enlarge the Fire and make it burn brighter, which we are pleased to hear you mention; and assure you, we shall do the same, by adding to it more Fewel, that it may still flame out more strongly than ever: In the last Place, you were pleased to say that we are bound by the strictest Leagues, to watch for each others Preservation; that we should hear with our Ears for you, and you hear with your Ears for us: This is equally agreeable to us; and we shall not fail to give you early Intelligence, whenever any Thing of Consequence comes to our Knowledge: And to encourage you to do the same, and to nourish in your Hearts what you have spoke to us with your Tongues, about the Renewal of our Amity and the Brightening of the Chain of Friendship; we confirm what we have said with another Belt of Wampum."

"*BRETHREN,*

"We received from the Proprietors Yesterday, some Goods in Consideration of our Re-

lease of the Lands on the West-side of Sasquehannah. It is true, we have the full Quantity according to Agreement; but if the Proprietor had been here himself, we think, in Regard of our Numbers and Poverty, he would have made an Addition to them.—If the Goods were only to be divided amongst the Indians present, a single Person would have but a small Portion; but if you consider what Numbers are left behind, equally entitled with us to a Share, there will be extremely little. We therefore desire, if you have the Keys of the Proprietor's Chest, you will open it, and take out a little more for us.

"We know our Lands are now become more valuable: The white People think we do not know their Value; but we are sensible that the Land is everlasting, and the few Goods we receive for it are soon worn out and gone. For the future, we will sell no Lands but when Brother Onas is in the Country; and we will know beforehand, the Quantity of the Goods we are to receive. Besides, we are not well used with respect to the Lands still unsold by us. Your People daily settle on these Lands, and spoil our Hunting.—We must insist on your removing them, as you know they have no Right to settle to the Northward of Kittochtinny-Hills.—In particular, we renew our Complaints against some People who are settled

at Juniata, a Branch of Sasquahannah, and all along the Banks of that River, as far as Mahaniay; and desire they may be forthwith made to go off the Land, for they do great Damage to our Cousins the Delawares.

"We have further to observe, with respect to the Lands lying on the West-side of Sasquahannah, that though Brother Onas (meaning the Proprietor) has paid us for what his People possess, yet some Parts of that Country have been taken up by Persons, whose Place of Residence is to the South of this Province, from whom we have never received any Consideration. This Affair was recommended to you by our Chiefs at our last Treaty; and you then, at our earnest Desire, promised to write a Letter to that Person who has the Authority over those People, and to procure us his Answer: As we have never heard from you on this Head, we want to know what you have done in it. If you have not done any Thing, we now renew our Request, and desire you will inform the Person whose People are seated on our Lands, that that Country belongs to us, in Right of Conquest; we having bought it with our Blood, and taken it from our Enemies in fair War; and we expect, as Owners of that Land, to receive such a Consideration for it as the Land is worth. We desire you will press him to send a positive Answer: Let him say

Yes or No: If he says Yes, we will treat with him; if No, we are able to do ourselves Justice; and we will do it, by going to take Payment ourselves.

"It is customary with us to make a Present of Skins, whenever we renew our Treaties. We are ashamed to offer our Brethren so few, but your Horses and Cows have eat the Grass our Deer used to feed on. This has made them scarce, and will, we hope, plead in Excuse for our not bringing a larger Quantity. If we could have spared more, we would have given more; but we are really poor; and desire you'll not consider the Quantity, but few as they are, accept them in Testimony of our Regard."

Here they gave the Governor a Bundle of Skins.

The Governor immediately replied.

"*BRETHREN,*

"We thank you for the many Declarations of Respect you have given us, in this solemn Renewal of our Treaties: We receive, and shall keep your String and Belts of Wampum, as Pledges of your Sincerity, and desire those we gave you may be carefully preserved, as Testimonies of ours.

"In anwer to what you say about the Proprietaries.—They are all absent, and have taken the Keys of their Chest with them; so

that we cannot, on their Behalf, enlarge the Quantity of Goods: Were they here, they might perhaps, be more generous; but we cannot be liberal for them.—The Government will, however, take your Request into Consideration; and in Regard to your Poverty, may perhaps make you a Present. I but just mention this now, intending to refer this Part of your Speech to be answered at our next Meeting.

"The Number of Guns, as well as every Thing else, answers exactly with the Particulars specified in your Deed of Conveyance, which is more than was agreed to be given you. It was your own Sentiments, that the Lands on the West-side of Sasquahannah, were not so valuable as those on the East; and an Abatement was to be made, proportionable to the Difference in Value: But the Proprietor overlooked this, and ordered the full Quantity to be delivered, which you will look on as a Favour.

"It is very true, that Lands are of late become more valuable; but what raises their Value? Is it not entirely owing to the Industry and Labour used by the white People, in their Cultivation and Improvement? Had not they come amongst you, these Lands would have been of no Use to you, any further than to maintain you. And is there not, now you have sold so much, enough left for all the Purposes of Living?—What you

say of the Goods, that they are soon worn out, is applicable to every Thing; but you know very well, that they cost a great deal of Money; and the Value of Land is no more, than it is worth in Money.

"On your former Complaints against People's settling the Lands on Juniata, and from thence all along on the River Sasquahannah as far as Mahaniahy, some Magistrates were sent expressly to remove them, and we thought no Persons would presume to stay after that."

Here they interrupted the Governor, and said:—

"These Persons who were sent did not do their Duty: So far from removing the People, they made Surveys for themselves, and they are in League with the Trespassers. We desire more effectual Methods may be used, and honester Persons employed."

Which the Governor promised, and then proceeded:

"*BRETHREN*,

"According to the Promise made at our last Treaty with you, Mr. Logan, who was at that Time President, did write to the Governor of Maryland, that he might make you Satisfaction for such of your Lands as his People had taken up, but did not receive one Word from him upon that Head. I will write to him again, and endeavour to procure

you a satisfactory Answer. We do not doubt but he will do you Justice: But we exhort you to be careful not to exercise any Acts of Violence towards his People, as they likewise are our Brethren, and Subjects of the same great King; and therefore Violence towards them, must be productive of very evil Consequences.

"I shall conclude what I have to say at this Time, with Acknowledgments for your Present; which is very agreeable to us, from the Expressions of Regard used by you in Presenting it: Gifts of this Nature receiving their Value from the Affection of the Giver, and not from the Quantity or Price of the Thing given."

At a COUNCIL held at Philadelphia, July 8, 1742.

PRESENT,

The Honourable GEORGE THOMAS, Esq; Lieutenant-Governor.

James Logan,
Clement Plumsted,
Samuel Hasell,
Abraham Taylor,
Samuel Preston,
Thomas Lawrence,
Ralph Asheton,
Robert Strettell,
} Esqrs;

The Board taking into Consideration, whether it be proper or not at this Time, to make a Present to the Indians of the Six Nations now in Town, in Return for their Present to this Government at Yesterday's Treaty;

Resolved,

That it is highly fit and proper that a Present be made to the said Indians at this Time.

And it is the Opinion of this Board, that the said Present should be of the Value of 500*l.* or at least 300*l.*

And it is recommended to Mr. Logan, Mr. Preston, and Mr. Lawrence, to acquaint Mr. Kinsey, the Speaker of the Assembly, with the Opinion of this Board; and that they request him to confer with such other Members of Assembly as are in Town, and report their Sentiments thereupon.

The Board taking into Consideration the Threats expressed by the Indians, at the Treaty Yesterday against the Inhabitants of Maryland, settled on certain Lands on the West-side of Sasquahannah, which the Indians claim, and for which they require Satisfaction; and considering, that should those Threats, in any Sort be put in Execution, not only the Inhabitants of Maryland, but of this Government, and all his Majesty's Subjects on the Northern Continent of America, may thereby be involved in much Trouble: It is

the Opinion of this Board, that the Governor write to the Governor of Maryland without Delay, to inform him of the Indians Complaints and Threats, and to request a satisfactory Answer; and that his Letter be sent by a special Messenger, at the publick Expence.

At a COUNCIL held July 9, 1742.

PRESENT,

The Honourable GEORGE THOMAS, Esq; Lieutenant-Governor.

James Logan,
Clement Plumsted,
Samuel Hasell,
Robert Strettell,
Samuel Preston,
Ralph Asheton,
Thomas Lawrence,
Mr. Peters.
} Esqrs;

The Governor informed the Board, that the Indian Chiefs dining with him Yesterday, after Dinner delivered their Answer to two Affairs of Consequence:

The first related to the violent Battery committed on William Webb, in the Forks of Delaware, whereby his Jaw-bone was broke, and his Life greatly endangered, by an unknown Indian. Canassatego repeating the Message delivered to the Six Nations by

Shickcalamy, in the Year 1740, with a String of Wampum, said in Answer: 'The Six Nations had made diligent Enquiry into the Affair, and had found out the Indian who had committed the Fact; he lived near Asopus, and had been examined and severely reprov'd: And they hoped, as William Webb was recovered, the Governor would not expect any further Punishment; and therefore they returned the String of Wampum received from their Brethren, by the Hand of Shickcalamy, in Token that they had fully complied with their Request.'

I thank'd them, said he, for their Care; but reminded them, that though the Man did not die, yet he lay a long Time in extreme Misery, and would never recover the free Use of his Speech, and was rendered less able to get his Livelihood; and in such Cases the English Laws obliged the Assailant to make good all Damages, besides paying for the Pain endured.—But as the Indian was, in all Probability, poor and unable to make Satisfaction, I told them, that for their Sake I would forgive him; adding, had Webb died, I make no doubt but you would have put the Indian to Death, just as we did two of our People who had killed an Indian; we caused them to be hung on a Gallows, in the Presence of many Hundreds of our People, to deter all others from doing the like. Canas-

satego made me this Reply: 'The Indians know no Punishment but Death; they have no such Thing as pecuniary Mulcts; if a Man be guilty of a Crime, he is either put to Death, or the Fault is overlook'd. We have often heard of your Hanging-up those two Persons; but as none of our Indians saw the Men die, many believe they were not hanged, but transported to some other Colony: And it would be satisfactory to the Indians, if, for the future, some of them be sent for, to be Witnesses of such Executions.' I assured them, that whoever gave them that Information, abused them; for the Persons certainly suffered Death, and in the Presence of all the People.

Canassatego then proceeded to give an Answer to what was said to them the 2d Instant, relating to Le Tort's Letter: 'That they had, in Council, considered in what Manner the Matter recommended to them ought to be conducted; and they were of Opinion, that as the Shawanese, not the Twightwys (for they knew so much of it, that the People were of the Twightwy Nation in whose Bags the Scalps were found) had sent me a Present of Skins, I should in return, send them a Blanket or a Kettle, and with it a very sharp Message, that tho' they had done well in sweeping the Road from Blood, yet that was but a small Part of their Duty; they ought

not to have suffered the Twightwys, after their Lye and the Discovery of the Scalps, to have left them, 'till they had given a full and true Account how they came by them, whose Scalps they were, and in what Place, and for what Reason the Men were kill'd; and when they had been fully satisfied of all these Particulars, then it was their Duty to have given Information to the Government where the white People lived, that the Murderers might be complained against, and punished by the Nation they belonged to: And as the Shawanese had omitted to perform the Part of Brethren, that I should reprove them for it, and charge them to make Amends for their Neglect, by using all possible Expedition to come at the Knowledge of these Things, and to aid their Brethren the white people in obtaining Justice.

The Minutes of the preceding Council being read, Mr. Logan, in pursuance of the Board's Direction of Yesterday, reported, on behalf of himself, and the other Gentlemen to whom it was recommended, that they had confer'd with Mr. Kinsey, and requested him to consult the other Members of the Assembly concerning the making a Present to the Indians; and that Mr. Kinsey having collected the Sentiments of several Members of the Assembly in Town, whom he had confer'd with on that Subject, found them gen-

erally of Opinion, that a Present should at this Time be made; but that they had declined nominating any Sum: However, that Mr. Kinsey had given it as his own Opinion, that the Governor and Council might go as far as three hundred Pounds.

And accordingly it is refer'd to Mr. Logan, Mr. Preston, and Mr. Lawrence, to consider of, and prepare a proper List of the Goods whereof the Present should be composed, to the Value of three hundred Pounds, as aforesaid; advising with the Interpreter as to the Quantity and Quality.

At a COUNCIL held at the Proprietor's, the 9th of July, P.M. 1742.

PRESENT

The Honourable GEORGE THOMAS, Esq; Lieutenant-Governor.

James Logan, Robert Strettell, Samuel Preston, Abraham Taylor, } Esqrs;

The CHIEFS of the Six Nations.
SASSOONAN, and the Delawares.
NUTIMUS, and the Fork-Indians.
CONRAD WEISER, Interpreter.

The Governor spoke to the Chiefs of the Six Nations, as follows:

"*BRETHREN*,

"The last Time the Chiefs of the Six Nations were here, they were informed, that

your Cousins, a Branch of the Delawares, gave this Province some Disturbance about the Lands the Proprietor purchased from them, and for which their Ancestors had received a valuable Consideration above fifty-five Years ago, as appears by a Deed now lying on the Table.—Sometime after this, Conrad Wesier delivered to your Brother Thomas Penn your Letter, wherein you request of him, and James Logan, that they would not buy Land, &c.—This has been shewn to them and interpreted; notwithstanding which they have continued their former Disturbances, and have had the Insolence to write Letters to some of the Magistrates of this Government, wherein they have abused your good Brethren, our worthy Proprietaries, and treated them with the utmost Rudeness and Ill-Manners. Being loth, from our regard to you, to punish them as they deserve, I sent two Messengers to inform them that you were expected here, and should be acquainted with their Behaviour.—As you, on all Occasions, apply to us to remove all white People that are settled on Lands before they are purchased from you, and we do our Endeavours to turn such People off; we now expect from you, that you will cause these Indians to remove from the Lands in the Forks of Delaware, and not give any further

Disturbance to the Persons who are now in Possession."

To inforce this we lay down a String of Wampum.

Then were read the several Conveyances, the Paragraph of the Letter wrote by the Chiefs of the Six Nations relating to the Delawares; the Letters of the Fork-Indians to the Governor and Mr. Langhorne, and a Draught of the Land; these were then delivered to Conrad Weiser, who was desired to interpret them to the Chiefs, when they should take this Affair into their Consideration.

At a COUNCIL held July 10, 1742.

PRESENT

The Honourable GEORGE THOMAS, Esq; Lieutenant-Governor.

James Logan, Samuel Preston,
Clement Plumsted, Samuel Hasell,
Thomas Lawrence, Robert Strettell,
Abraham Taylor,
} Esqrs;

The Governor laid before the Board an Extract from the Treaty held here the 7th Instant with the Indians of the Six Nations, so far as it related to the Inhabitants of

Maryland; as also a Letter he had prepared for the Governor of Maryland upon that Subject; both of which being approved, were ordered to be transcribed fair, in order to be dispatch'd the following Morning. The Letter was as follows:

Philadelphia, July 10, 1742.

SIR,

THE inclosed Extract of the Speech made by the Chiefs of the Six Nations, before a very numerous Audience, in this Place, with my Answer to it, is of so great Importance to all his Majesty's Colonies in this Part of his Dominions, and to your Government in particular, that I have employ'd a special Messenger to deliver it you. I hope you will enable me to send them a satisfactory Answer. It would be impertinent in me to say more to one so well informed as you are of these Nations, and of their absolute Authority over all the Indians bordering upon us, or of the Advantages of maintaining a strict Friendship with them at all Times, but more especially at this critical Juncture.

I am, Yours, &c.

An Account exhibited by Conard Weiser of his Expences upon the Indians, and Indian Affairs, from February last to July 1, 1742,

amounting to 36*l.* 18*s.* 3*d.* was laid before the Board, and examin'd, and allow'd to be a just and very moderate Account.

And the Board taking into Consideration the many signal Services performed by the said Conrad Weiser to this Government, his Diligence and Labour in the Service thereof, and his Skill in the Indian Languages and Methods of Business, are of Opinion, that the said Conrad should be allowed, as a Reward from the Province at this Time, the Sum of Thirty Pounds, at least, besides Payment of his said Account.

At a COUNCIL held at the Great Meeting-House, July 10. P. M. 1742.

PRESENT

The Honourable GEORGE THOMAS, Esq; Lieutenant-Governor.

James Logan, Samuel Preston,
Thomas Lawrence, Samuel Hasell,
Abraham Taylor, Robert Strettell, } Esqrs;

CANASSATEGO, } And other
SHICKCALAMY, } Indian Chiefs.

CONRAD WEISER, Interpreter.

And a great Number of the Inhabitants of Philadelphia.

The Governor spoke to the Indians as follows:

"*BRETHREN,*

"This Meeting will be short: It is in order to make you a Present from the Governor, the Council, the Assembly, and all our People. William Penn was known to you to be a good and faithful Friend to all the Indians: He made a League of Friendship with you, by which we became one People. This League has often since been renew'd by friendly Treaties; and as you have declared that the Friendship shall always last on your Parts, so we would have you believe that it shall remain inviolable on ours while the Sun and Moon endure.

"I gave you some Expectation of a Present, and we have it now ready to deliver to you. This Present is made you by the Governor, Council, Assembly, and all our People, in Consideration of the great Miseries and Distresses which you our good Friends have lately suffered. This will be some Relief to you for the present, and it's to be hoped your own Industry will soon retrieve your Circumstances.

"It has sometimes happened, and may happen again, that idle and untrue Stories are carried to you concerning us your Breth-

ren; but our Desire is, and we expect it from you, that you will give no Credit to them; for we are, and always will be, your steady and sincere Friends.

"It is a Custom when we renew our Treaties with our good Friends the Indians, to clear the Road, and make our Fire burn bright: We have done so upon this Occasion; and, in Token of our Sincerity, we deliver you, as a Present from the Governor, the Council, the Assembly, and all the People of Pensylvania, the following Goods, viz.

24 Guns.	50 Hoes.
600 Pounds of Lead.	50 Hatchets.
600 Pounds of Powder.	5 Pounds of Vermilion.
25 Strowdes } Match-	10 Dozen of Knives.
90 Duffil } Coats.	8 Dozen of Gimblets.
30 Blankets.	2 Dozen of Tobacco-Tongs.
62 Yards of Half-Thicks.	25 Pair of Shoes.
60 Ruffled Shirts.	25 Pair of Stockings.
25 Hats.	25 Pair of Buckles.
1,000 Flints.	

Whereupon the Chiefs, and all the Indians, returned their solemn Thanks; and Canassatego said, "They had no more to say as to publick Business at present; but they had somewhat under Deliberation, which, when they had duly considered, they would communicate.

At a COUNCIL held at the Proprietor's,
July 12, 1742.

PRESENT

The Honourable GEORGE THOMAS, Esq;
Lieutenant-Governor.

James Logan,
Thomas Lawrence,
Robert Strettell,
Clement Plumsted,
Abraham Taylor,
} Esqrs;

Mr. Richard Peters.

CANASSATEGO,
SHICKCALAMY,
} And sundry Chiefs of the Six Nations.

SASSOONAN, and the Delawares.

NUTTIMUS, and the Fork-Indians.

CONRAD WEISER, Interpreter.

Pisquetoman,
Cornelius Spring,
Nicholas Scull,
} Interpreters to the Fork-Indians.

CANASSATEGO said:

"*BRETHREN, the Governor and Council,*

"The other Day you informed us of the Misbehaviour of our Cousins the Delawares, with respect to their continuing to claim, and refusing to remove from some Land on the River Delaware, notwithstanding their Ancestors had sold it by a Deed under their

Hands and Seals to the Proprietaries, for a valuable Consideration, upwards of fifty Years ago; and notwithstanding that, they themselves had also not many Years ago, after a long and full Examination, ratified that Deed of their Ancestors, and given a fresh one under their Hands and Seals; and then you requested us to remove them, inforcing your Request with a String of Wampum.—Afterwards we laid on the Table our own Letters by Conrad Weiser; some of our Cousins Letters, and the several Writings to prove the Charge against our Cousins, with a Draught of the Land in Dispute.—We now tell you, we have perused all these several Papers: We see with our own Eyes, that they have been a very unruly People, and are altogether in the Wrong in their Dealings with you.—We have concluded to remove them, and oblige them to go over the River Delaware, and quit all Claim to any Lands on this Side for the future, since they have received Pay for them, and it is gone thro' their Guts long ago.—To confirm to you that we will see your Request executed, we lay down this String of Wampum in return for yours."

Then turning to the Delawares, holding a Belt of Wampum in his Hand, he spoke to them as follows:

"*COUSINS,*

"Let this Belt of Wampum serve to chastise you. You ought to be taken by the Hair of the Head and shaked severely, till you recover your Senses and become sober. You don't know what Ground you stand on, nor what you are doing. Our Brother Onas's Cause is very just and plain, and his Intentions are to preserve Friendship. On the other Hand, your Cause is bad; your Heart far from being upright; and you are maliciously bent to break the Chain of Friendship with our Brother Onas, and his People. We have seen with our Eyes a Deed sign'd by nine of your Ancestors above fifty Years ago for this very Land, and a Release sign'd, not many Years since, by some of yourselves and Chiefs now living, to the Number of fifteen or upwards.—But how came you to take upon you to sell Land at all? We conquered you; we made Women of you; you know you are Women, and can no more sell Land than Women; nor is it fit you should have the Power of selling Lands, since you would abuse it. This Land that you claim is gone thro' your Guts; you have been furnished with Cloaths, Meat, and Drink, by the Goods paid you for it, and now you want it again, like Children as you are.—But what makes you sell Land in the Dark? Did you ever tell us that you had sold this Land? Did we

ever receive any Part, even the Value of a Pipe-Shank, from you for it? You have told us a blind Story, that you sent a Messenger to us to inform us of the Sale, but he never came amongst us, nor we never heard any thing about it.—This is acting in the Dark, and very different from the Conduct our Six Nations observe in the Sales of Land; on such Occasions they give publick Notice, and invite all the Indians of their united Nations, and give them all a share of the Present they receive for their Lands.—This is the Behaviour of the wise united Nations.—But we find you are none of our Blood: You act a dishonest Part, not only in this, but in other Matters: Your Ears are ever open to slanderous Reports about our Brethren; you receive them with as much Greediness as lewd Women receive the Embraces of bad Men. And for all these Reasons we charge you to remove instantly; we don't give you the Liberty to think about it. You are Women. Take the Advice of a wise Man, and remove immediately. You may return to the other Side of Delaware where you came from: But we do not know whether, considering how you have demean'd yourselves, you will be permitted to live there; or whether you have not swallowed that Land down your Throats as well as the Land on this Side. We therefore assign you two Places to go, either to

Wyomen or Shamokin. You may go to either of these Places, and then we shall have you more under our Eye, and shall see how you behave. Don't deliberate; but remove away, and take this Belt of Wampum."

This being interpreted by Conrad Weiser into English, and by Cornelius Spring into the Delaware Language, Canassetego taking a String of Wampum, added further.

"After our just Reproof, and absolute Order to depart from the Land, you are now to take Notice of what we have further to say to you. This String of Wampum serves to forbid you, your Children and Grand-Children, to the latest Posterity for ever, meddling in Land-Affairs; neither you, nor any who shall descend from you, are ever hereafter to presume to sell any Land: For which purpose, you are to preserve this String, in Memory of what your Uncles have this Day given you in Charge.—We have some other Business to transact with our Brethren, and therefore depart the Council, and consider what has been said to you."

Canassatego then spoke to the Governor and Council:

"*BRETHREN*,

"We called at our old Friend James Logan's, in our Way to this City, and to our Grief

we found him hid in the Bushes, and retired, thro' Infirmities, from publick Business. We press'd him to leave his Retirement, and prevailed with him to assist once more on our Account at your Councils. We hope, notwithstanding his Age, and the Effects of a Fit of Sickness, which we understand has hurt his Constitution, that he may yet continue a long Time to assist this Province with his Counsels. He is a wise Man, and a fast Friend to the Indians. And we desire, when his Soul goes to G O D, you may chuse in his Room just such another Person, of the same Prudence and Ability in counselling, and of the same tender Disposition and Affection for the Indians. In Testimony of our Gratitude for all his Services, and because he was so good as to leave his Country-House, and follow us to Town, and be at the Trouble, in this his advanced Age, to attend the Council, we present him with this Bundle of Skins."

"*BRETHREN*,

"It is always our Way, at the Conclusion of a Treaty, to desire you will use your Endeavours with the Traders, that they may sell their Goods cheaper, and give us a better Price for our Deer-Skins. Whenever any particular Sort of Indian Goods is scarce, they constantly make us pay the dearer on that Account. We must now use the same

Argument with them: Our Deer are killed in such Quantities, and our Hunting-Countries grown less every Day by the Settlement of white People, that Game is now difficult to find, and we must go a great Way in quest of it; they therefore ought to give us a better Price for our Skins; and we desire you would speak to them to do so. We have been stinted in the Article of Rum in Town. We desire you will open the Rum-Bottle, and give it to us in greater Abundance on the Road."

To inforce our Request, about the Indian Traders, we present you with this Bundle of Skins.

BRETHREN,

"When we first came to your Houses, we found them clean and in Order; but we have staid so long as to dirty them; which is to be imputed to our different Way of Living from the white People: And therefore, as we cannot but have been disagreeable to you on this Account, we present you with some Skins to make your Houses clean, and put them into the same Condition they were in when we came amongst you."

BRETHREN,

"The Business the Five Nations transact with you is of great Consequence, and re-

quires a skilful and honest Person to go between us; one in whom both you and we can place a Confidence.—We esteem our present Interpreter to be such a Person, equally faithful in the Interpretation of whatever is said to him by either of us, equally allied to both; he is of our Nation, and a Member of our Council, as well as of yours. When we adopted him, we divided him into two equal Parts: One we kept for ourselves, and one we left for you. He has had a great deal of trouble with us, wore out his Shoes in our Messages, and dirty'd his Clothes by being amongst us, so that he is become as nasty as an Indian.

"In Return for these Services, we recommend him to your Generosity; and on our own Behalf, we give him Five Skins to buy him Clothes and Shoes with."

BRETHREN,

"We have still one more Favour to ask. Our Treaty, and all we have to say about publick Business, is now over, and to-morrow we design to leave you. We hope, as you have given us Plenty of good Provision whilst in Town, that you will continue your Goodness so far as to supply us with a little more to serve us on the Road. And we likewise desire you will provide us with Waggons, to carry our Goods to the Place where they are to be conveyed by Water."

To these several Points the Governor made the following Reply.

BRETHREN of the Six Nations,

"The Judgment you have just now pass'd on your Cousins the Delawares, confirms the high Opinion we have ever entertained of the Justice of the Six Nations. This Part of your Character, for which you are deservedly famed, made us wave doing ourselves Justice, in order to give you another Opportunity of convincing the World of your inviolable Attachment to your Engagements. These unhappy People might have always liv'd easy, having never receiv'd the least Injury from us; but we believe some of our own People were bad enough to impose on their Credulity, and engage them in these wrong Measures, which we wish, for their Sakes, they had avoided.

"We hoped, from what we have constantly given in Charge to the Indian Traders, that they would have administered no just Cause of Complaint: If they do you Wrong, it is against our Inclinations, and contrary to our express Directions. As you have exhibited no particular Charge against them, we shall use our best Endeavours to persuade them to give you as much for your Skins as they can possibly afford; and to take Care that their Goods which they give in Exchange for

Skins, be of the best Sort. We will likewise order you some Rum to serve you on your journey home, since you desire it.

"We wish there had been more Room and better Houses provided for your Entertainment; but not expecting so many of you, we did the best we could. 'Tis true, there are a great many Houses in Town, but as they are the Property of other People, who have their own Families to take care of, it is difficult to procure Lodgings for a large Number of People, especially if they come unexpectedly.

"We entertain the same Sentiments of the Abilities and Probity of the Interpreter as you have express'd. We were induc'd at first to make use of him in this important Trust, from his being known to be agreeable to you, and one who had lived amongst you for some Years, in good Credit and Esteem with all your Nations; and have ever found him equally faithful to both. We are pleas'd with the Notice you have taken of him, and think he richly deserves it at your Hands. We shall not be wanting to make him a suitable ratification, for the many good and faithful Services he hath done this Government.

"We have already given Orders for Waggons to carry your Goods, and for a Supply of Provisions to serve you on the Road in

your Return home, where we heartily wish you may arrive in good Health."

After the Governor had concluded, Mr. Logan return'd an Answer to that Part of Canassatego's Speech which related to him, and said, "That not only upon the Account of his Lameness, of which the Indians themselves were Witnesses; but on Account of another Indisposition, which about three Years since had laid him under an Incapacity of expressing himself with his former usual Freedom, he had been obliged to live retired in the Country. But that our first Proprietor, the Honourable William Penn, who had ever been a Father and true Friend to all the Indians, having above forty Years since recommended them to his particular Care, he had always, from his own Inclination, as well as from that strict Charge, endeavoured to convince all the Indians, that he was their true Friend; and was now well pleased, that after a Tract of so many Years, they were not insensible of it. He thanked them kindly for their Present, and heartily joined with them in their Desires, that this Government may always be furnished with Persons of equally good Inclinations, and not only with such, but also with better Abilities to serve them."

And then Canassatego said, he had forgot to mention, that Shickcalamy and Caxhayn

had been employ'd on several Messages to this Government, and desir'd they might be consider'd on that Account.

At a COUNCIL held the 12th of July, P.M. 1742.

PRESENT,

The Honourable GEORGE THOMAS, Esq; Lieutenant-Governor.

James Logan,
Clement Plumsted,
Samuel Hasell,
Robert Strettell,
Samuel Preston,
Thomas Lawrence,
Abraham Taylor,
} Esqrs;

Mr. Richard Peters.

The Board taking into Consideration the Regulation of the necessary Expences of the Indians travelling down hither, and returning; and upon an Estimate made by Conrad Weiser, amounting to about one hundred Pounds, it appearing that the said Sum of 100*l.* will be necessary to be advanced to Conrad Weiser to defray those Expences, Mr. Logan, on the Proprietaries Behalf, proposes to advance 40*l.* and the Treasurer declaring he had no publick Money in his Hands, and that if he had, he would not advance Money

without the Assembly's Order; it is recommended to Mr. Preston and Mr. Lawrence, to confer with Mr. Kinsey, and know whether he, as Speaker of the Assembly, and Trustee of the Loan-Office, will advance the other 60*l*.

And the Indians having requested that they might have a small Quantity of Rum, to be added to their Provisions, to comfort them on the Road: The Board is of Opinion, that there be added to the said Estimate for twenty Gallons of Rum for the aforesaid Use. And in Return for their Present of Skins, at requesting that the Indian Traders be enjoin'd to sell their Goods cheaper, the Board directs that two Strouds be presented. And that five Pounds be given to Caxhayn on the Account of the Province, for his Services; and to Shickcalamy the like Sum.

A just Copy, compared by
PATRICK BAIRD, Secr.

A

TREATY,

Held at the Town of

Lancaster, in PENSYLVANIA,

By the HONOURABLE the

Lieutenant-Governor of the PROVINCE,

And the HONOURABLE the

Commissioners for the PROVINCES

OF

VIRGINIA *and* MARYLAND,

WITH THE

INDIANS

OF THE

SIX NATIONS,

In *JUNE*, 1744.

A Treaty with the *INDIANS* of the SIX NATIONS.

In the Court-House in the Town of Lancaster, on Friday the Twenty-second of June, 1744.

PRESENT,

The Honourable GEORGE THOMAS, Esq; Lieut. Governor of the Province of Pensylvania, and Counties of Newcastle, Kent and Sussex, on Delaware.

The Hon^ble Thomas Lee, Esq; } Commissioners
Colonel William Beverly, } of Virginia.

The Hon^ble Edm. Jennings, Esq; } Commissioners of Maryland.
Philip Thomas, Esq;
Colonel Robert King,
Colonel Thomas Colville,

The Deputies of the Onandagoes, Senecas, Cayogoes, Oneidas and Tuscaroraes.

Conrad Weiser, Interpreter.

THE Governor and the Commissioners took some of the Indian Chiefs by the Hand, and, after they had seated themselves, the Governor bid them welcome into the Government; and there being Wine and Punch

prepared for them, the Governor and the several Commissioners drank Health to the Six Nations; and Canassatego, Tachanoontia, and some other Chiefs, returned the Compliments, drinking the Healths of *Onas, †Assaragoa, and the Governor of Maryland.

After they were all served with Wine, Punch, Pipes and Tobacco, the Governor told the Indians, that as it was customary, and indeed necessary, they should have some Time to rest after so long a Journey, and as he thought three Days would be no more than sufficient for that Purpose, he proposed to speak to them on Monday next; after which, the honourable Commissioners would take their own Time to deliver what the had to say.

Canassatego answered the Governor: We thank you for giving us Time to rest; we are come to you, and shall leave it intirely to you to appoint the Time when we shall meet you again. We likewise leave it to the Governor of Maryland, by whose Invitation we came here, to appoint a Time when he will please to mention the Reason of his inviting us. As to our Brother Assaragoa, we have at this present Time nothing to say to him; not but we have a great deal to say to Assaragoa,

*Onas, the Governor of Pensylvania.
†Assaragoa, the Governor of Virginia.

which must be said at one Time or another; but not being satisfied whether he or we should begin first, we shall leave it wholly to our Brother Onas to adjust this between us, and to say which shall begin first.

In the Court-House at Lancaster, June 25, 1744. A.M

PRESENT,

The Honourable GEORGE THOMAS, Esq; Governor, &c.
The Honourable the Commissioners of Virginia.
The Honourable the Commissioners of Maryland.
The Deputies of the Six Nations.
Conrad Weiser, Interpreter.

The Governor spoke as follows.

Honourable Gentlemen, Commissioners for the Governments of Virginia and Maryland, and Brethren, Sachims, or Chiefs of the Indians of the Six Nations.

AT a Treaty, held by me two Years ago, in Behalf of the Government of Pensylvania, with a Number of the Chiefs of the Indians of the Six Nations, I was desired by them to write to the Governor of Maryland

concerning some Lands in the back Parts of that Province, which they claim a Right to from their Conquests over the ancient Possessors, and which have been settled by some of the Inhabitants of that Government, without their Consent, or any Purchase made from them. It was at that time understood that the Claim was upon Maryland only; but it has since appeared, by some Letters formerly wrote by Mr. President Logan to the late Governor of Maryland, that it related likewise to some Lands in the back Parts of Virginia. The Governors of those Colonies soon manifested a truly equitable Disposition to come to any reasonable Terms with the Six Nations on account of those Lands, and desired, that for that End a Time and Place might be fixed for a Treaty with them; but before this could be effected, an unfortunate Skirmish happened in the back Parts of Virginia, between some of the Militia there, and a Party of the Indian Warriors of the Six Nations, with some Loss on both Sides. Who were the Aggressors is not at this time to be discussed, both Parties having agreed to bury that Affair in Oblivion, and the Government of Virginia having, in Token of the Continuance of their Friendship, presented the Six Nations, through my Hands, with Goods to the Value of One Hundred Pounds Sterling. To prevent further Hostilities, and

to heal this Breach, I had, before the Present was given, made a Tender of my good Office; which both Parties accepted, and consented, on my Instances, to lay down their Arms: Since which the Faith pledged to me has been mutually preserved, and a Time and Place has been agreed upon, through my Intervention, for accommodating all Differences, and for settling a firm Peace, Union and Friendship, as well between the Government of Virginia as that of Maryland, and the Indians of the Six Nations.* The honourable the Commissioners for these two Governments, and the Deputies of the Six Nations, are now met at the Place appointed for the Treaty. It only remains therefore for me to say, that if my further good Offices shall be thought useful for the Accomplishment of this Work, you may rely most assuredly upon them.

But I hope, honourable Gentlemen Commissioners, it will not be taken amiss if I go a little further, and briefly represent to you, how especially necessary it is at this Juncture, for his Majesty's Service, and the Good of all his Colonies in this Part of his Dominions, that Peace and Friendship be established between your

*This was allowed, at a Conference had by the Governor with the Commissioners, to be a just State of the Transactions preceding the Treaty.

Governments and the Indians of the Six Nations.

These Indians, by their Situation, are a Frontier to some of them; and, from thence, if Friends, are capable of defending their Settlements; if Enemies, of making cruel Ravages upon them; if Neuters, they may deny the French a Passage through their Country, and give us timely Notice of their Designs. These are but some of the Motives for cultivating a Good Understanding with them; but from hence the Disadvantages of a Rupture are abundantly evident. Every Advantage you gain over them in War will be a weakening of the Barrier of those Colonies, and consequently be, in effect, Victories over yourselves and your Fellow Subjects. Some Allowances for their Prejudices and Passions, and a Present now and then for the Relief of their Necessities, which have, in some Measure, been brought upon them by their Intercourse with us, and by our yearly extending our Settlements, will probably tie them more closely to the British Interest. This has been the Method of New-York and Pensylvania, and will not put you to so much Expence in twenty Years, as the carrying on a War against them will do in one. The French very well know the Importance of these Nations to us, and will not fail by Presents, and their other usual Arts, to take

Advantage of any Misunderstanding we may have with them.* But I will detain you, Gentlemen, no longer. Your own superior Knowledge will suggest to you more than I can say on this Subject.

Friends and Brethren, Sachems, or Chiefs of the Indians of the Six Nations:

These, your Brethren of Virginia and Maryland, are come to enlarge the Fire, which was almost gone out, and to make it burn clearer; to brighten the Chain which had contracted some Rust, and to renew their Friendship with you; which it is their Desire may last so long as the Sun, the Moon and the Stars, shall give Light. Their Powers are derived from the Great King of England, your Father; and whatever Conclusions they shall come to with you, will be as firm and binding as if the Governors of these Provinces were themselves here. I am your Brother, and, which is more, I am your true

* The two preceding Paragraphs were allowed by the Commissioners of Virginia, whilst they were at Philadelphia, to be very proper to be spoken by the Governor of Pensylvania at the Opening of the Treaty; but taking up an Opinion, from what passed at the first friendly Interview with the Indians, that they would not make any Claim upon Lands within the Government of Virginia, the Governor consented to decline speaking them in the Presence of the Indians.

Friend. As you know, from Experience, that I am so, I will now give you a few Words of Advice. Receive these your Brethren with open Arms; unite yourselves to them in the Covenant Chain, and be you with them as one Body, and one Soul. I make no doubt but the Governor of Canada has been taking Pains to widen the Breach between these your Brethren of Virginia and you; but as you cannot have forgot the Hatred the French have always borne to your Nations, and how kindly, on the contrary, you have been treated, how faithfully you have been protected by the Great King of ENGLAND and his Subjects, you will not be at a Loss to see into the Designs of that Governor. He wants to divide you from us, in order the more easily to destroy you, which he will most certainly do, if you suffer yourselves to be deluded by him.

As to what relates to the Friendship established between the Government of Pensylvania and your Nations, I will take another Day to speak to you upon it.

To enforce what had been said, the Governor laid down a Belt of Wampum; upon which the Indians gave the * Yo-hah.

*The Yo-hah denotes Approbation, being a loud Shout or Cry, consisting of a few Notes pronounced by all the Indians in a very musical Manner, in the Nature of our Huzza's.

After a short Pause, the Governor ordered the Interpreter to tell the Indians, that as they had greatly exceeded their appointed Time for meeting the Commissioners, he recommended to them to use all the Expedition possible in giving their Answer to what had been said, that they might forthwith proceed to treat with the respective Commmissioners on the Business they came about.

Then Canassatego repeated to the Interpreter the Substance of what the Governor had spoke, in order to know if he had understood him right (a Method generally made use of by the Indians) and when the Interpreter told him he had taken the true Sense, Canassatego proceeded to return the Thanks of the Six Nations for the Governor's kind Advice, promising to follow it as far as lay in their Power; but as it was their Custom when a Belt was given to return another, they would take Time till the Afternoon to provide one, and would then give their Answer.

In the Court-House at Lancaster, June 25, 1744. P.M.

PRESENT,

The Honourable GEORGE THOMAS, Esq; Governor, &c.
The Honourable the Commissioners of Virginia.
The Honourable the Commissioners of Maryland.
The Deputies of the Six Nations.
Conrad Weiser, Interpreter.

Canassatego's Answer to the Governor's Speech delivered in the Morning.

Brother Onas,

YOU spoke in the Presence of Assaragoa and the Governor of Maryland to us, advising us to receive them as our Brethren, and to unite with them in the Covenant Chain as one Body, and one Soul. We have always considered them as our Brethren, and, as such, shall be willing to brighten the Chain of Friendship with them; but since there are some Disputes between us respecting the Lands possessed by them, which formerly belonged to us, we, according to our Custom, propose to have those Differences first adjusted, and then we shall proceed to confirm the Friendship subsisting between us, which

will meet with no Obstruction after these Matters are settled.

Here they presented the Governor with a Belt of Wampum, in return for the Belt given them in the Morning by the Governor; and the Interpreter was ordered to return the Yo-hah.

Then the Governor, in Reply, spoke as follows:

I receive your Belt with great Kindness and Affection; and as to what relates to the Governments of Virginia and Maryland, the honourable Commissioners, now present, are ready to treat with you. I shall only add, that the Goods for the Hundred Pounds Sterling, put into my Hands by the Governor of Virginia, as a Token of his good Dispositions to preserve Friendship with you, are now in Town, and ready to be delivered, in consequence of what was told you by Conrad Weiser when he was last at Onandago.

Then the Governor, turning to the Commissioners of Virginia and Maryland, said, Gentlemen, I have now finished what was incumbent upon me to say by way of Introduction to the Indians; and as you have a full Authority from your respective Governments to treat with them, I shall leave the rest intirely to you, and either stay or withdraw, as you shall think most for your Service.

The Commissioners said, They were all of Opinion, it would be for their Advantage that the Governor should stay with them; and therefore they unanimously desired he would favour them with the Continuance of his Presence while they should be in Treaty with the Indians: Which his Honour said he would at their Instance very readily do, believing it might expedite their Business, and prevent any Jealousy the Indians might conceive at his withdrawing.

The Commissioners of Maryland ordered the Interpreter to acquaint the Indians that the Government of Maryland was going to speak to them, and then spoke as follows:

Friends and Brethren of the united Six Nations,

We, who are deputed from the Government of Maryland by a Commission under the Great Seal of that Province, now in our Hands (and which will be interpreted to you) bid you welcome; and in Token that we are very glad to see you here as Brethren, we give you this String of Wampum.

Upon which the Indians gave the Yo-hah.

When the Governor of Maryland received the first Notice, about seven Years ago, of your Claim to some Lands in that Province, he thought our good Friends and Brethren of

the Six Nations had little Reason to complain of any Injury from Maryland, and that they would be so well convinced thereof, on farther Deliberation, as he should hear no more of it; but you spoke of that Matter again to the Governor of Pensylvania, about two Years since, as if you designed to terrify us.

It was very inconsiderately said by you, that you would do yourselves Justice, by going to take Payment yourselves: Such an Attempt would have intirely dissolved the Chain of Friendship subsisting, not only between us, but perhaps the other English and you.

We assure you, our People, who are numerous, courageous, and have Arms ready in their Hands, will not suffer themselves to be hurt in their Lives and Estates.

But, however, the old and wise People of Maryland immediately met in Council, and upon considering very cooly your rash Expressions, agreed to invite their Brethren, the Six Nations, to this Place, that they might learn of them what Right they have to the Land in Maryland, and, if they had any, to make them some reasonable Compensation for it; therefore the Governor of Maryland has sent us to meet and treat with you about this Affair, and the brightening and strengthening the Chain which hath long subsisted between

us. And as an Earnest of our Sincerity and Good-will towards you, we present you with this Belt of Wampum.

On which the Indians gave the Yo-hah.

Our Great King of ENGLAND, and his Subjects, have always possessed the Province of Maryland free and undisturbed from any Claim of the Six Nations for above one hundred Years past, and your not saying any thing to us before, convinces us you thought you had no Pretence to any Lands in Maryland; nor can we yet find out to what Lands, or under what Title you make your Claim: For the Sasquahannah Indians, by a Treaty above ninety Years since (which is on the Table, and will be interpreted to you) give, and yield to the English Nation, their Heirs and Assigns for ever, the greatest Part (if not all) of the Lands we possess, from Patuxent River, on the Western, as well as from Choptank River, on the Eastern Side of the Great Bay of Chessapeak And, near Sixty Years ago, you acknowledged to the Governor of New-York at Albany, "That you had given your Lands, and submitted yourselves to the King of England."

We are that Great King's Subjects, and we possess and enjoy the Province of Maryland by Virtue of his Right and Sovereignty thereto; why, then, will you stir up any

Quarrel between you and ourselves, who are as one Man, under the Protection of that Great King?

We need not put you in mind of the Treaty (which we suppose you have had from your Fathers) made with the Province of Maryland near Seventy Years ago, and renewed and confirmed twice since that time.

By these Treaties we became Brethren; we have always lived as such, and hope always to continue so.

We have this further to say, that altho' we are not satisfied of the Justice of your Claim to any Lands in Maryland, yet we are desirous of shewing our Brotherly Kindness and Affection, and to prevent (by any reasonable Way) every Misunderstanding between the Province of Maryland and you our Brethren of the Six Nations.

For this Purpose we have brought hither a Quantity of goods for our Brethren the Six Nations, and which will be delivered you as soon as we shall have received your Answer, and make so bright and large a Fire as may burn pure and clear whilst the Sun and Moon shall shine.

We have now freely and openly laid our Bosoms bare to you; and that you may be the better confirmed of the Truth of our Hearts, we give you this Belt of Wampum.

Which was received with the Yo-hah.

After a little Time Canassatego spoke as follows:

Brother, the Governor of Maryland,

We have heard what you have said to us; and, as you have gone back to old Times, we cannot give you an Answer now, but shall take what you have said into Consideration, and, return you our Answer some Time to Morrow: He then sat down, and after some Time he spoke again.

Brother, the Governor of Maryland,

If you have made any Enquiry into Indian Affairs, you will know, that we have always had our Guns, Hatchets and Kettles mended when we came to see our Brethren. Brother Onas, and the Governor of York always do this for us; and we give you this early Notice, that we may not thereby be delayed, being desirous, as well as you, to give all possible Dispatch to the Business to be transacted between us.

The Commissioners of Virginia and Maryland said, since it was customary, they would give Orders to have every Thing belonging to them mended that should want it.

In the Court-House at Lancaster, June 26, 1744, P.M.

PRESENT,

The Honourable GEORGE THOMAS, Esq; Governor, &c.
The Honourable the Commissioners of Virginia.
The Honourable the Commissioners of Maryland.
The Deputies of the Six Nations.
Conrad Weiser, Interpreter.

Canassatego spoke as follows:

Brother, the Governor of Maryland,

WHEN you invited us to kindle a Council Fire with you, Conedogwainet was the Place agreed upon; but afterwards you, by Brother Onas, upon second Thoughts, considering that it would be difficult to get Provisions and other Accommodations where there were but few Houses or Inhabitants, desired we would meet our Brethren at Lancaster, and at his Instances we very readily agreed to meet you here, and are glad of the Change; for we have found Plenty of every thing; and as Yesterday you bid us welcome, and told us you were glad to see us, we likewise assure you we are as glad to see you; and, in Token of our Satisfaction, we present you with this String of Wampum.

Which was received with the usual Ceremony.

Brother, the Governor of Maryland,

You tell us, that when about Seven Years ago you heard, by our Brother Onas, of our Claim to some Lands in your Province, you took no Notice of it, believing, as you say, that when we should come to reconsider that Matter, we should find that we had no Right to make any Complaint of the Governor of Maryland, and would drop our Demand. And that when about two Years ago we mentioned it again to our Brother Onas, you say we did it in such Terms as looked like a Design to terrify you; and you tell us further, that we must be beside ourselves, in using such a rash Expression as to tell you, We know how to do ourselves Justice if you still refuse. It is true we did say so, but without any ill Design; for we must inform you, that when we first desired our Brother Onas to use his Influence with you to procure us Satisfaction for our Lands, we, at the same time, desired him, in case you should disregard our Demand, to write to the Great King beyond the Seas, who would own us for his Children as well as you, to compel you to do us Justice: And, two years ago, when we found that you had paid no Regard to our just Demand, nor that Brother Onas had con-

vey'd our Complaint to the Great King over the Seas, we were resolved to use such Expressions as would make the greatest Impressions on your Minds, and we find it had its Effect; for you tell us, "That your wise Men held a Council together, and agreed to invite us, and to enquire of our Right to any of your Lands, and if it should be found that we had a Right, we were to have a Compensation made for them: And likewise you tell us, that our Brother, the Governor of Maryland, by the advice of these wise Men, has sent you to brighten the Chain, and to assure us of his Willingness to remove whatever impedes a good Understanding between us." This shews that your wise Men understood our Expressions in their true Sense. We had no Design to terrify you, but to put you on doing us the Justice you had so long delayed. Your wise Men have done well; and as there is no Obstacle to a good Understanding between us, except this Affair of our Land, we, on our Parts, do give you the strongest Assurances of our good Disposition towards you, and that we are as desirous as you to brighten the Chain, and to put away all Hindrances to a perfect good Understanding; and, in Token of our Sincerity, we give you this Belt of Wampum.

Which was received, and the Interpreter ordered to give the Yo-hah.

Brother, the Governor of Maryland,

When you mentioned the Affair of the Land Yesterday, you went back to old Times, and told us, you had been in Possession of the Province of Maryland above One Hundred Years; but what is One Hundred Years in Comparison of the Length of Time since our Claim began? since we came out of this Ground? For we must tell you, that long before One Hundred Years our Ancestors came out of this very Ground, and their Children have remained here ever since. You came out of the Ground in a Country that lies beyond the Seas, there you may have a just Claim, but here you must allow us to be your elder Brethren, and the Lands to belong to us long before you knew any thing of them. It is true, that above One Hundred Years ago the Dutch came here in a Ship, and brought with them several Goods; such as Awls, Knives, Hatchets, Guns, and many other Particulars, which they gave us; and when they had taught us how to use their Things, and we saw what sort of People they were, we were so well pleased with them, that we tied their Ship to the Bushes on the Shore; and afterwards, liking them still better the longer they staid with us, and thinking the Bushes too slender, we removed the Rope, and tied it to the Trees; and as the Trees were liable to be blown down by high Winds,

or to decay of themselves, we, from the Affection we bore them, again removed the Rope, and tied it to a strong and big Rock [here the Interpreter said, They mean the Oneido Country] and not content with this, for its further Security we removed the Rope to the big Mountain [here the Interpreter says they mean the Onandago Country] and there we tied it very fast, and roll'd Wampum about it; and, to make it still more secure, we stood upon the Wampum, and sat down upon it, to defend it, and to prevent any Hurt coming to it, and did our best Endeavours that it might remain uninjured for ever. During all this Time the New-comers, the Dutch, acknowledged our Right to the Lands, and sollicited us, from Time to Time, to grant them Parts of our Country, and to enter into League and Covenant with us, and to become one People with us.

After this the English came into the Country, and, as we were told, became one People with the Dutch. About two Years after the Arrival of the English an English Governor came to Albany, and finding what great Friendship subsisted between us and the Dutch, he approved it mightily, and desired to make as strong a League, and to be upon as good Terms with us as the Dutch were, with whom he was united, and to become one People with us: And by his further Care in

looking into what had passed between us, he found that the Rope which tied the Ship to the great Mountain was only fastened with Wampum, which was liable to break and rot, and to perish in a Course of Years; he therefore told us, he would give us a Silver Chain, which would be much stronger, and would last for ever. This we accepted, and fastened the Ship with it, and it has lasted ever since. Indeed we have had some small Differences with the English, and, during these Misunderstandings, some of their young Men would, by way of Reproach, be every now and then telling us, that we should have perished if they had not come into the Country and furnished us with Strowds and Hatchets, and Guns, and other Things necessary for the Support of Life; but we always gave them to understand that they were mistaken, that we lived before they came amongst us, and as well, or better, if we may believe what our Forefathers have told us. We had then Room enough, and Plenty of Deer, which was easily caught; and tho' we had not Knives, Hatchets, or Guns, such as we have now, yet we had Knives of Stone, and Hatchets of Stone, and Bows and Arrows, and those served our Uses as well then as the English ones do now. We are now straitened, and sometimes in want of Deer, and liable to many other Inconveniencies since the

English came among us, and particularly from that Pen-and-Ink Work that is going on at the Table (pointing to the Secretary) and we will give you an Instance of this. Our Brother Onas, a great while ago, came to Albany to buy the Sasquahannah Lands of us, but our Brother the Governor of New-York, who, as we suppose, had not a good Understanding with our Brother Onas, advised us not to sell him any Land, for he would make an ill Use of it; and, pretending to be our good Friend, he advised us, in order to prevent Onas's, or any other Person's imposing upon us, and that we might always have our Land when we should want it, to put it into his Hands; and told us, he would keep it for our Use, and never open his Hands, but keep them close shut, and not part with any of it, but at our Request. Accordingly we trusted him, and put our Land into his Hands, and charged him to keep it safe for our Use; but, some Time after, he went to England, and carried our Land with him, and there sold it to our Brother Onas for a large Sum of Money; and when, at the Instance of our Brother Onas, we were minded to sell him some Lands, he told us we had sold the Sasquahannah Lands already to the Governor of New-York, and that he had bought them from him in England; tho', when he came to

understand how the Governor of New-York had deceived us, he very generously paid us for our Lands over again.

Tho' we mention this Instance of an Imposition put upon us by the Governor of New-York, yet we must do the English the Justice to say, we have had their hearty Assistances in our Wars with the French, who were no sooner arrived amongst us than they began to render us uneasy, and to provoke us to War, and we had several Wars with them; during all which we constantly received Assistance from the English, and, by their Means, we have always been able to keep up our Heads against their Attacks.

We now come nearer home. We have had your Deeds interpreted to us, and we acknowledge them to be good and valid, and that the Conestogoe or Sasquahannah Indians had a Right to sell those Lands to you, for they were then theirs; but since that Time we have conquered them, and their Country now belongs to us, and the Lands we demanded Satisfaction for are no Part of the Lands comprized in those Deeds; they are the *Cohongorontas Lands; those, we are sure, you have not possessed One Hundred Years, no, nor above Ten Years, and we made our Demands so soon as we knew your

*Cohongorontas, i. e. Potomack.

People were settled in those Parts. These have never been sold, but remain still to be disposed of; and we are well pleased to hear you are provided with Goods, and do assure you of our Willingness to treat with you for those unpurchased Lands; in Confirmation whereof, we present you with this Belt of Wampum.

Which was received with the usual Ceremonies.

Canassatego added, that as the three Governors of Virginia, Maryland, and Pensylvania, had divided the Lands among them, they could not, for this Reason, tell how much each had got, nor were they concerned about it, so that they were paid by all the Governors for the several Parts each possessed, and this they left to their Honour and Justice.

In the Court-House at Lancaster, June 27, 1744, A.M.

PRESENT,

The Honourable GEORGE THOMAS, Esq; Governor, &c.
The Honourable the Commissioners of Virginia.
The Honourable the Commissioners of Maryland.
The Deputies of the Six Nations.
Conrad Weiser, Interpreter.

The Commissioners of Virginia ordered the Interpreter to let the Indians know the Government of Virginia was going to speak to them, and then they spoke as follows:

Sachems and Warriors of the Six United Nations, our Friends and Brethren,

AT our Desire the Governor of Pensylvania invited you to this Council Fire; we have waited a long Time for you, but now you are come, you are heartily welcome; we are very glad to see you; we give you this String of Wampum.

Which was received with their usual Approbation.

Brethren,

In the Year 1736, four of your Sachems wrote a Letter to James Logan, Esq; then

President of Pensylvania, to let the Governor of Virginia know that you expected some Consideration for Lands in the Occupation of some of the People of Virginia. Upon seeing a Copy of this Letter, the Governor, with the Council of Virginia, took some Time to consider of it. They found, on looking into the old Treaties, that you had given up your Lands to the Great King, who has had Possession of Virginia above One Hundred and Sixty Years, and under that Great King the Inhabitants of Virginia hold their Land, so they thought there might be some Mistake.

Wherefore they desired the Governor of New-York to enquire of you about it. He sent his Interpreter to you in May, 1743, who laid this before you at a Council held at Onandago, to which you answer, "That if you had any Demand or Pretensions on the Governor of Virginia any way, you would have made it known to the Governor of New-York." This corresponds with what you have said to Governor Thomas, in the Treaty made with him at Philadelphia in July, 1742; for then you only make your Claim to Lands in the Government of Maryland.

We are so well pleased with this good Faith of you our Brethren of the Six Nations and your Regard to the Treaties made with Virginia, that we are ready to hear you on the Subject of your Message eight years since.

Tell us what Nations of Indians you conquered any Lands from in Virginia, how long it is since, and what Possession you have had; and if it does appear, that there is any Land on the Borders of Virginia that the Six Nations have a Right to, we are willing to make you Satisfaction.

Then laid down a String of Wampum, which was accepted with the usual Ceremony, and then added,

We have a Chest of new Goods, and the Key is in our Pockets. You are our Brethren; the Great King is our common Father, and we will live with you, as Children ought to do, in Peace and Love.

We will brighten the Chain, and strengthen the Union between us; so that we shall never be divided, but remain Friends and Brethren as long as the Sun gives Light; in Confirmation whereof, we give you this Belt of Wampum.

Which was received with the usual Ceremony.

Tachanoontia replied:

Brother Assaragoa,

You have made a good Speech to us, which is very agreeable, and for which we return you our Thanks. We shall be able to give

you an Answer to every Part of it some Time this Afternoon, and we will let you know when we are ready.

In the Court-House at Lancaster, June 27, 1744, P.M.

PRESENT,

The Honourable GEORGE THOMAS, Esq; Governor, &c.
The Honourable the Commissioners of Virginia.
The Honourable the Commissioners of Maryland.
The Deputies of the Six Nations.
Conrad Weiser, Interpreter.

TACHANOONTIA spoke as follows:

Brother Assaragoa,

SINCE you have joined with the Governor of Maryland and Brother Onas in kindling this Fire, we gladly acknowledge the Pleasure we have in seeing you here, and observing your good Dispositions as well to confirm the Treaties of Friendship, as to enter into further Contracts about Land with us; and, in Token of our Satisfaction, we present you with this String of Wampum.

Which was received with the usual Ceremonies.

Brother Assaragoa,

In your Speech this Morning you were pleased to say we had wrote a Letter to James Logan, about seven Years ago, to demand a Consideration for our Lands in the Possession of some of the Virginians; that you held them under the Great King for upwards of One Hundred and Sixty Years, and that we had already given up our Right; and that therefore you had desired the Governor of New-York to send his Interpreter to us last Year to Onandago, which he did; and, as you say, we in Council at Onandago did declare, that we had no Demand upon you for Lands, and that if we had any Pretensions, we should have made them known to the Governor of New-York; and likewise you desire to know if we have any Right to the Virginia Lands, and that we will make such Right appear, and tell you what Nations of Indians we conquered those Lands from.

Now we answer, We have the Right of Conquest, a Right too dearly purchased, and which cost us too much Blood, to give up without any Reason at all, as you say we have done at Albany; but we should be obliged to you, if you would let us see the Letter, and inform us who was the Interpreter, and whose Names are put to that Letter; for as the whole Transaction cannot be above

a Year's standing, it must be fresh in every Body's Memory, and some of our Council would easily remember it; but we assure you, and are well able to prove, that neither we, nor any Part of us, have ever relinquished our Right, or ever gave such an Answer as you say is mentioned in your Letter. Could we, so few Years ago, make a formal Demand, by James Logan, and not be sensible of our Right? And hath any thing happened since that Time to make us less sensible? No; and as this Matter can be easily cleared up, we are anxious it should be done; for we are positive no such thing was ever mentioned to us at Onandago, nor any where else. All the World knows we conquered the several Nations living on Sasquahannah, Cohongoronta, and on the Back of the Great Mountains in Virginia; the Conoy-uch-such-roona, Coch-now-was-roonan, Tohoa-irough-roonan, and Connutskin-ough-roonaw, feel the Effects of our Conquests, being now a Part of our Nations, and their Lands at our Disposal. We know very well, it hath often been said by the Virginians, that the Great King of ENGLAND, and the People of that Colony, conquered the Indians who lived there, but it is not true. We will allow they have conquered the Sachdagughroonaw, and drove back the Tuscarroraws, and that they have, on that Account, a Right to some Part of Virginia;

but as to what lies beyond the Mountains, we conquered the Nations residing there, and that Land, if the Virginians ever get a good Right to it, it must be by us; and in Testimony of the Truth of our Answer to this Part of your Speech, we give you this String of Wampum.

Which was received with the usual Ceremony.

Brother Assaragoa,

We have given you a full Answer to the first Part of your Speech, which we hope will be satisfactory. We are glad to hear you have brought with you a big Chest of new Goods, and that you have the Key in your Pockets. We do not doubt but we shall have a good Understanding in all Points, and come to an Agreement with you.

We shall open all our Hearts to you, that you may know every thing in them; we will hide nothing from you; and we hope, if there be any thing still remaining in your Breast that may occasion any Dispute between us, you will take the Opportunity to unbosom your Hearts, and lay them open to us, that henceforth there may be no Dirt, nor any other Obstacle in the Road between us; and in Token of our hearty Wishes to bring about so good an Harmony, we present you with this Belt of Wampum.

Which was received with the usual Ceremony.

Brother Assaragoa,

We must now tell you what Mountains we mean that we say are the Boundaries between you and us. You may remember, that about twenty Years ago you had a Treaty with us at Albany, when you took a Belt of Wampum, and made a Fence with it on the Middle of the Hill, and told us, that if any of the Warriors of the Six Nations came on your Side of the Middle of the Hill, you would hang them; and you gave us Liberty to do the same with any of your People who should be found on our Side of the Middle of the Hill. This is the Hill we mean, and we desire that Treaty may be now confirmed. After we left Albany, we brought our Road a great deal more to the West, that we might comply with your Proposal; but, tho' it was of your own making, your People never observed it, but came and lived on our Side of the Hill, which we don't blame you for, as you live at a great Distance, near the Seas, and cannot be thought to know what your People do in the Back-parts: And on their settling, contrary to our own Proposal, on our new Road, it fell out that our Warriors did some Hurt to your People's Cattle, of which a Complaint was made, and transmitted

to us by our Brother Onas; and we, at his Request, altered the Road again, and brought it to the Foot of the Great Mountain, where it now is; and it is impossible for us to remove it any further to the West, those Parts of the Country being absolutely impassable by either Man or Beast.

We had not been long in the Use of this new Road before your People came, like Flocks of Birds, and sat down on both Sides of it, and yet we never made a Complaint to you, tho' you must be sensible those Things must have been done by your People in manifest Breach of your own Proposal made at Albany; and therefore, as we are now opening our Hearts to you, we cannot avoid complaining, and desire all these Affairs may be settled, and that you may be stronger induced to do us Justice for what is past, and to come to a thorough Settlement for the future, we, in the Presence of the Governor of Maryland, and Brother Onas, present you with this Belt of Wampum.

Which was received with the usual Ceremony.

Then Tachanoontia added:

That he forgot to say, that the Affair of the Road must be looked upon as a Preliminary to be settled before the Grant of Lands; and, said he, either the Virginia People must

be obliged to remove more Easterly, or, if they are permitted to stay, our Warriors, marching that Way to the Southward, shall go Sharers with them in what they plant.

In the Court-House at Lancaster, June 28, 1744. A.M.

PRESENT,

The Honourable GEORGE THOMAS, Esq; Governor, &c.
The Honourable the Commissioners of Virginia.
The Honourable the Commissioners of Maryland.
The Deputies of the Six Nations.
Conrad Weiser, Interpreter.

The Governor spoke as follows.

Friends and Brethren of the Six Nations,

I AM always sorry when any thing happens that may create the least Uneasiness between us; but as we are mutually engaged to keep the Road between us clear and open, and to remove every Obstruction that may lie in the Way, I must inform you, that three of the Delaware Indians lately murdered John Armstrong, an Indian Trader, and his two Men, in a most barbarous Manner, as he was

travelling to Allegheny, and stole his Goods of a considerable Value. Shick Calamy, and the Indians settled at Shamokin, did well; they seized two of the Murderers, and sent them down to our Settlements; but the Indians, who had the Charge of them, afterwards suffered one of them to escape, on a Pretence that he was not concerned in the bloody Deed; the other is now in Philadelphia Goal. By our Law all the Accessaries to a Murder are to be tried, and put to Death, as well as the Person who gave the deadly Wound. If they consented to it, encouraged it, or any ways assisted in it, they are to be put to Death, and it is just it should be so. If, upon Trial, the Persons present at the Murder are found not to have done any of these Things, they are set at Liberty. Two of our People were, not many Years ago, publickly put to Death for killing two Indians; we therefore expect you will take the most effectual Measures to seize and deliver up to us the other two Indians present at these Murders, to be tried with the Principal now in Custody. If it shall appear, upon their Trial, that they were not advising, or any way assisting in this horrid fact, they will be acquitted, and sent home to their Towns. And that you may be satisfied no Injustice will be done to them, I do now invite you to depute three or four Indians to

be present at their Trials. I do likewise expect that you will order strict Search to be made for the Remainder of the stolen Goods, that they may be restored to the Wife and Children of the Deceased. That what I have said may have its due Weight with you, I give you this String of Wampum.

Which was accepted with the Yo-hah.

The Governor afterwards ordered the Interpreter to tell them, he expected a very full Answer from them, and that they might take their own Time to give it; for he did not desire to interfere with the Business of Virginia and Maryland.

They said they would take it into Consideration, and give a full Answer.

Then the Commissioners of Virginia let them know, by the Interpreter, that they would speak to them in the Afternoon.

In the Court-House Chamber at Lancaster, June 28, 1744. P.M.

PRESENT,

The Honourable the Commissioners of Maryland.
The Deputies of the Six Nations.
Conrad Weiser, Interpreter.

The Commissioners desired the Interpreter to tell the Indians they were going to speak to them. Mr. Weiser acquainted them herewith. After which the said Commissioners spoke as follows:

Our good Friends and Brethren, the Six united Nations,

WE have considered what you said concerning your Title to some Lands now in our Province, and also of the Place where they lie. Altho' we cannot admit your Right, yet we are so resolved to live in Brotherly Love and Affection with the Six Nations, that upon your giving us a Release in Writing of all your Claim to any Lands in Maryland, we shall make you a Compensation to the Value of Three Hundred Pounds Currency, for the Payment of Part whereof we have brought some Goods, and shall make up the rest in what Manner you think fit.

As we intend to say something to you

about our Chain of Friendship after this Affair of the Land is settled, we desire you will now examine the Goods, and make an End of this Matter.

We will not omit acquainting our good Friends the Six Nations, that notwithstanding we are likely to come to an Agreement about your Claim of Lands, yet your Brethren of Maryland look on you to be as one Soul and one Body with themselves; and as a broad Road will be made between us, we shall always be desirous of keeping it clear, that we may, from Time to Time, take care that the Links of our Friendship be not rusted. In Testimony that our Words and our Hearts agree, we give you this Belt of Wampum.

On presenting of which the Indians gave the usual Cry of Approbation.

Mr. Weiser acquainted the Indians, they might now look over the several Goods placed on a Table in the Chamber for that Purpose; and the honourable Commissioners bid him tell them, if they disliked any of the Goods, or, if they were damaged, the Commissioners would put a less Price on such as were either disliked or damnified.

The Indians having viewed and examined the Goods, and seeming dissatisfied at the Price and Worth of them, required Time to go down into the Court-House, in order for a

Consultation to be had by the Chiefs of them concerning the said Goods, and likewise that the Interpreter might retire with them, which he did. Accordingly they went down into the Court-House, and soon after returned again into the Chamber.

Mr. Weiser sat down among the Indians, and discoursed them about the Goods, and in some short Time after they chose the following from among the others, and the Price agreed to be given for them by the Six Nations was, viz.

	l.	*s.*	*d.*
Four Pieces of Strowds, at 7 *l*	28	00	00
Two Pieces Ditto, 5 *l*	10	00	00
Two Hundred Shirts.....	63	12	00
Three Pieces Half-Thicks	11	00	00
Three Pieces Duffle Blankets, at 7 *l*	21	00	00
One Piece Ditto	6	10	00
Forty Seven Guns, at 1 *l.* 6 *s*.....	61	02	00
One Pound of Vermillion.....	00	18	00
One Thousand Flints	00	18	00
Four Dozen Jews Harps	00	14	00
One Dozen Boxes	00	1	00
One Hundred Two Quarters Bar-Lead..	3	00	00
Two Quarters Shot.....	1	00	00
Two Half-Barrels of Gun-Powder.....	13	00	00
	220	15	00

Pensylvannia Currency.

When the Indians had agreed to take these Goods at the Rates above specified, they informed the Interpreter, that they would give an Answer to the Speech made to them this

Morning by the honourable the Commissioners of Maryland, but did not express the Time when such Answer should be made. At 12 o'Clock the Commissioners departed the Chamber.

In the Court-House at Lancaster, June 28, 1744. P.M.

PRESENT,

The Honourable GEORGE THOMAS, Esq; Governor, &c.
The Honourable the Commissioners of Virginia.
The Honourable the Commissioners of Maryland.
The Deputies of the Six Nations.
Conrad Weiser, Interpreter.

The Commissioners of Virginia desired the Interpreter to let the Indians know, that their Brother Assaragoa was now going to give his Reply to their Answer to his first Speech, delivered them the Day before in the Forenoon.

Sachems and Warriors of the united Six Nations,

WE are now come to answer what you said to us Yesterday, since what we said to you before on the Part of the Great King, our Father, has not been satisfactory.

You have gone into old Times, and so must we. It is true that the Great King holds Virginia by Right of Conquest, and the Bounds of that Conquest to the Westward is the Great Sea.

If the Six Nations have made any Conquest over Indians that may at any Time have lived on the West-side of the Great Mountains of Virginia, yet they never possessed any Lands there that we have ever heard of. That Part was altogether deserted, and free for any People to enter upon, as the People of Virginia have done, by Order of the Great King, very justly, as well by ancient Right, as by its being freed from the possession of any other, and from any claim even of you the Six Nations, our Brethren, until within these eight Years. The first Treaty between the Great King, in Behalf of his Subjects of Virginia, and you, that we can find, was made at Albany, by Colonel Henry Coursey, Seventy Years since; this was a Treaty of Friendship, when the first Covenant Chain was made, when we and you became Brethren.

The next Treaty was also at Albany, above Fifty-eight Years ago, by the Lord Howard, Governor of Virginia; then you declared yourselves Subjects to the Great King, our Father, and gave up to him all your Lands for his Protection. This you own in

a Treaty made by the Governor of New-York with you at the same Place in the Year 1687, and you express yourself in these Words, "Brethren, you tell us the King of ENGLAND is a very great King, and why should not you join with us in a very just Cause, when the French join with our Enemies in an unjust Cause? O Brethren, we see the Reason of this; for the French would fain kill us all, and when that is done, they would carry all the Beaver Trade to Canada, and the Great King of ENGLAND would lose the Land likewise; and therefore, O Great Sachem, beyond the Great Lakes, awake, and suffer not those poor Indians, that have given themselves and their Lands under your Protection, to be destroyed by the French without a Cause."

The last Treaty we shall speak to you about is that made at Albany by Governor Spotswood, which you have not recited as it is: For the white People, your Brethren of Virginia, are, in no Article of that Treaty, prohibited to pass, and settle to the Westward of the Great Mountains. It is the Indians, tributary to Virginia, that are restrained, as you and your tributary Indians are from passing to the Eastward of the same Mountains, or to the Southward of Cohongorooton, and you agree to this Article in these Words; "That the Great River of

Potowmack, and the high Ridge of Mountains, which extend all along the Frontiers of Virginia to the Westward of the present Settlements of that Colony, shall be for ever the established Boundaries between the Indians subject to the Dominions of Virginia, and the Indians belonging to and depending on the Five Nations; so that neither our Indians shall on any Pretence whatsoever, pass to Northward or Westward of the said Boundaries, without having to produce a Passport under the Hand and Seal of the Governor or Commander in Chief of Virginia; nor your Indians to pass to the Southward or Eastward of the said Boundaries, without a Passport in like Manner from the Governor or Commander in Chief of New-York."

And what Right can you have to Lands that you have no Right to walk upon, but upon certain Conditions? It is true, you have not observed this Part of the Treaty, and your Brethren of Virginia have not insisted upon it with a due Strictness, which has occasioned some Mischief.

This Treaty has been sent to the Governor of Virginia by Order of the Great King, and is what we must rely on, and, being in Writing, is more certain than your Memory. That is the Way the white People have of preserving Transactions of every Kind, and transmitting them down to their Childrens

Children for ever, and all Disputes among them are settled by this faithful kind of Evidence, and must be the Rule between the Great King and you. This Treaty your Sachems and Warriors signed some Years after the same Governor Spotswood, in the Right of the Great King, had been, with some People of Virginia, in Possession of these very Lands, which you have set up your late Claim to.

The Commissioners for Indian Affairs at Albany gave the Account we mentioned to you Yesterday to the Governor of New-York, and he sent it to the Governor of Virginia; their Names will be given you by the Interpreter.

Brethren,

This Dispute is not between Virginia and you; it is setting up your Right against the Great King, under whose Grants the People you complain of are settled. Nothing but a Command from the Great King can remove them; they are too powerful to be removed by any Force of you, our Brethren; and the Great King, as our common Father, will do equal Justice to all his Children; wherefore we do believe they will be confirmed in their Possessions.

As to the Road you mention, we intended to prevent any Occasion for it, by making a Peace between you and the Southern Indians,

a few Years since, at a considerable Expence to our Great King, which you confirmed at Albany. It seems, by your being at War with the Catawbas, that it has not been long kept between you.

However, if you desire a Road, we will agree to one on the Terms of the Treaty you made with Colonel Spotswood, and your People, behaving themselves orderly like Friends and Brethren, shall be used in their Passage through Virginia with the same Kindness as they are when they pass through the Lands of your Brother Onas. This we hope, will be agreed to by you our Brethren, and we will abide by the Promise made to you Yesterday.

We may proceed to settle what we are to give you for any Right you may have, or have had to all the Lands to the Southward and Westward of the Lands of your Brother the Governor of Maryland, and of your Brother Onas; tho' we are informed that the Southern Indians claim these very Lands that you do.

We are desirous to live with you, our Brethren, according to the old Chain of Friendship, to settle all these Matters fairly and honestly; and, as a Pledge of our Sincerity, we give you this Belt of Wampum.

Which was received with the usual Ceremony.

In the Court-House Chamber at Lancaster, June 29, 1744, A.M.

PRESENT,

The Honourable the Commissioners of Maryland.
The Deputies of the Six Nations.
Conrad Weiser, Interpreter.

Mr. Weiser informed the honourable Commissioners that the Indians were ready to give their Answer to the Speech made to them here Yesterday Morning by the Commissioners; whereupon Canassatego spoke as follows, looking on a Deal-board, where were some black Lines, describing the Courses of Potowmack and Sasquahanna:

Brethren,

YESTERDAY you spoke to us concerning the Lands on this Side Potowmack River, and as we have deliberately considered what you said to us on that Matter, we are now very ready to settle the Bounds of such Lands, and release our Right and Claim thereto.

We are willing to renounce all Right to Lord Baltimore of all those Lands lying two Miles above the uppermost Fork of Potowmack or Cohongoruton River, near which Thomas Cressap has a hunting or trading

Cabin, by a North-line, to the Bounds of Pensylvania. But in case such Limits shall not include every Settlement or Inhabitant of Maryland, then such other Lines and Courses, from the said two Miles above the Forks, to the outermost Inhabitants or Settlements, as shall include every Settlement and Inhabitant in Maryland, and from thence, by a North-line, to the Bounds of Pensylvannia, shall be the Limits. And further, If any People already have, or shall settle beyond the Lands now described and bounded, they shall enjoy the same free from any Disturbance whatever, and we do, and shall accept these People for our Brethren, and as such always treat them.

We earnestly desire to live with you as Brethren, and hope you will shew us all Brotherly Kindness; in Token whereof, we present you with a Belt of Wampum.

Which was received with the usual Ceremony.

Soon after the Commissioners and Indians departed from the Court-House Chamber.

In the Court-House Chamber at Lancaster, June 30, 1744. A.M.

PRESENT,

The Honourable the Commissioners of Virginia.
The Deputies of the Six Nations.
Conrad Weiser, Interpreter.

Gachradodow, Speaker for the Indians, in answer to the Commissioners Speech at the last Meeting, with a strong Voice, and proper Action, spoke as follows:

Brother Assaragoa,

THE World at the first was made on the other Side of the Great Water different from what it is on this Side, as may be known from the different Colours of our Skin, and of our Flesh, and that which you call Justice may not be so amongst us; you have your Laws and Customs, and so have we. The Great King might send you over to conquer the Indians, but it looks to us that God did not approve of it; if he had, he would not have placed the Sea where it is, as the Limits between us and you.

Brother Assaragoa,

Tho' great Things are well remembered among us, yet we don't remember that we

were ever conquered by the Great King, or that we have been employed by that Great King to conquer others; if it was so, it is beyond our Memory. We do remember we were employed by Maryland to conquer the Conestogoes, and that the second time we were at War with them, we carried them all off.

Brother Assaragoa,

You charge us with not acting agreeable to our Peace with the Catawbas, we will repeat to you truly what was done. The Governor of New-York, at Albany, in Behalf of Assaragoa, gave us several Belts of Wampum from the Cherikees and Catawbas, and we agreed to a Peace, if those Nations would send some of their great Men to us to confirm it Face to Face, and that they would trade with us; and desired that they would appoint a Time to meet at Albany for that Purpose, but they never came.

Brother Assaragoa,

We then desired a Letter might be sent to the Catawbas and Cherikees, to desire them to come and confirm the Peace. It was long before an Answer came; but we met the Cherikees, and confirmed the Peace, and sent some of our People to take care of them, until they returned to their own Country.

The Catawbas refused to come, and sent us word, That we were but Women, that they were Men, and double Men, that they could make Women of us, and would be always at War with us. They are a deceitful People. Our Brother Assaragoa is deceived by them; we don't blame him for it, but are sorry he is so deceived.

Brother Assaragoa,

We have confirmed the Peace with the Cherikees, but not with the Catawbas. They have been treacherous, and know it; so that the War must continue till one of us is destroyed. This we think proper to tell you, that you may not be troubled at what we do to the Catawbas.

Brother Assaragoa,

We will now speak to the Point between us. You say you will agree with us as to the Road; we desire that may be the Road which was last made (the Waggon-Road.) It is always, a Custom among Brethren or Strangers to use each other kindly; you have some very ill-natured People living up there; so that we desire the Persons in Power may know that we are to have reasonable Victuals when we are in want.

You know very well, when the white People came first here they were poor; but now

they have got our Lands, and are by them become rich, and we are now poor; what little we have had for the Land goes soon away, but the Land lasts for ever. You told us you had brought with you a Chest of Goods, and that you have the Key in your Pockets; but we have never seen the Chest, nor the Goods that are said to be in it; it may be small, and the Goods few; we want to see them, and are desirous to come to some Conclusion. We have been sleeping here these ten Days past, and have not done any thing to the Purpose.

The Commissioners told them they should see the Goods on Monday.

In the Court-House at Lancaster, June 30, 1744, P.M.

PRESENT,

The Honourable GEORGE THOMAS, Esq; Governor, &c.
The Honourable Commissioner of Virginia.
The Honourable the Commissioners of Maryland.
The Deputies of the Six Nations.
Conrad Weiser, Interpreter.

THE three Governments entertained the Indians, and all the Gentlemen in Town, with a handsome Dinner. The Six Nations, in their Order, having returned

Thanks with the usual Solemnity of Yo-ha-han, the Interpreter informed the Governor and the Commissioners, that as the Lord Proprietor and Governor of Maryland was not known to the Indians by any particular Name, they had agreed, in Council, to take the first Opportunity of a large Company to present him with one; and as this with them is deemed a Matter of great Consequence, and attended with Abundance of Form, the several Nations had drawn Lots for the Performance of the Ceremony, and the Lot falling on the Cayogo Nation, they had chosen Gachradodow, one of their Chiefs, to be their Speaker, and he desired Leave to begin; which being given, he, on an elevated Part of the Court-House, with all the Dignity of a Warrior, the Gesture of an Orator, and in a very graceful Posture, said that:

"As the Governor of Maryland had invited them here to treat about their Lands, and brighten the Chain of Friendship, the united Nations thought themselves so much obliged to them, that they had come to a Resolution in Council to give to the great Man, who is Proprietor of Maryland, a particular Name, by which they might hereafter correspond with him; and as it had fallen to the Cayogoes Lot in Council to consider of a proper Name for that chief Man, they had agreed to give him the Name of Tocarry-hogan, denot-

ing Precedency, Excellency, or living in the middle or honourable Place betwixt Assaragoa and their Brother Onas, by whom their Treaties might be better carried on." And then, addressing himself to his Honour the Governor of Pensylvania, the honourable the Commissioners of Virginia and Maryland, and to the Gentlemen then present, he proceeded:

"As there is a Company of great Men now assembled, we take this Time and Opportunity to publish this Matter, that it may be known Tocarry-hogan is our Friend, and that we are ready to honour him, and that by such Name he may be always called and known among us. And we hope he will ever act towards us according to the Excellency of the Name we have now given him, and enjoy a long and happy Life."

The honourable the Governor and Commissioners, and all the Company present, returned the Compliment with three Huzza's, and, after drinking Healths to our gracious King and the Six Nations, the Commissioners of Maryland proceeded to Business in the Court-House Chamber with the Indians, where Conrad Weiser, the Interpreter, was present.

The honourable the Commissioners ordered Mr. Weiser to tell the Indians, that a Deed, releasing all their Claim and Title to certain

Lands lying in the Province of Maryland, which by them was agreed to be given and executed for the Use of the Lord Baron of Baltimore, Lord Proprietary of that Province, was now on the Table, and Seals ready fixed thereto. The Interpreter acquainted them therewith as desired, and then gave the Deed to Canassatego, the Speaker, who made his Mark, and put his Seal, and delivered it; after which, thirteen other Chiefs or Sachems of the Six Nations executed it in the same Manner, in the Presence of the honourable the Commissioners of Virginia, and divers other Gentlemen of that Colony, and of the Provinces of Pensylvania and Maryland.

At the House of Mr. George Sanderson in Lancaster, July 2, 1744, A.M.

PRESENT,

The Honourable the Commissioners of Maryland.
The Deputies of the Six Nations
Conrad Weiser, Interpreter.

THE several Chiefs of the Indians of the Six Nations, who had not signed the Deed of Release of their Claim to some Lands in Maryland, tendered to them on Saturday last, in the Chamber of the Court-House in this Town, did now readily execute the same, and caused Mr. Weiser likewise to

sign it, as well with his Indian, as with his own proper Name of Weiser, as a Witness and Interpreter.

In the Court-House at Lancaster, July 2, 1744, A.M.

PRESENT,

The Honourable GEORGE THOMAS, Esq; Governor, &c.
The Honourable the Commissioners of Virginia.
The Honourable the Commissioners of Maryland.
The Deputies of the Six Nations.
Conrad Weiser, Interpreter.

Canassatego spoke as follows:

Brother Onas,

THE other Day you was pleased to tell us, you were always concerned whenever any thing happened that might give you or us Uneasiness, and that we were mutually engaged to preserve the Road open and clear between us; and you informed us of the Murder of John Armstrong, and his two Men, by some of the Delaware Indians, and of their stealing his Goods to a considerable Value. The Delaware Indians, as you suppose, are under our Power. We join with you in your Concern for such a vile Proceeding; and, to

testify that we have the same Inclinations with you to keep the Road clear, free and open, we give you this String of Wampum.

Which was received with the usual Ceremony.

Brother Onas,

These Things happen frequently, and we desire you will consider them well, and not be too much concerned. Three Indians have been killed at different Times at Ohio and we never mentioned any of them to you, imagining it might have been occasioned by some unfortunate Quarrels, and being unwilling to create a Disturbance. We therefore desire you will consider these Things well, and, to take the Grief from your Heart, we give you this String of Wampum.

Which was received with the usual Ceremonies.

Brother Onas,

We have heard of the Murder of John Armstrong, and, in our Journey here, we had Conference with our Cousins the Delawares about it, and reproved them severely for it, and charged them to go down to our Brother Onas, and make him Satisfaction, both for the Men that were killed, and for the Goods. We understood, by them, that the principal Actor in these Murders is in your Prison, and

that he had done all the Mischief himself; but that besides him, you had required and demanded two others who were in his Company when the Murders were committed. We promise faithfully, in our Return, to renew our Reproofs, and to charge the Delawares to send down some of their Chiefs with these two young Men (but not as Prisoners) to be examined by you; and as we think, upon Examination, you will not find them guilty, we rely on your Justice not to do them any Harm, but to permit them to return home in Safety.

We likewise understand, that Search has been made for the Goods belonging to the Deceased, and that some have been already returned to your People, but that some are still missing. You may depend upon our giving the strictest Charge to the Delawares to search again with more Diligence for the Goods, and to return them, or the Value of them, in Skins. And, to confirm what we have said, we give you this String of Wampum.

Which was received with the usual Ceremonies.

Brother Onas,

The Conoy Indians have informed us, that they sent you a Message, some Time ago, to advise you, that they were ill used by the

white People in the Place where they had lived, and that they had come to a Resolution of removing to Shamokin, and requested some small Satisfaction for their Land; and as they never have received any Answer from you, they have desired us to speak for them; we heartily recommend their Case to your Generosity. And, to give Weight to our Recommendation, we present you with this String of Wampum.

Which was received with the usual Ceremony.

The Governor having conferred a little Time with the honourable Commissioners of Virginia and Maryland, made the following Reply:

Brethren,

I am glad to find that you agree with me in the Necessity of keeping the Road between us clear and open, and the Concern you have expressed on account of the barbarous Murders mentioned to you, is a Proof of your Brotherly Affection for us. If Crimes of this Nature be not strictly enquired into, and the Criminals severely punished, there will be an End of all Commerce between us and the Indians, and then you will be altogether in the Power of the French. They will set what Price they please on their own Goods,

and give you what they think fit for your Skins; so it is for your own interest that our Traders should be safe in their Persons and Goods when they travel to your Towns.

Brethren,

I considered this Matter well before I came from Philadelphia, and I advised with the Council there upon it, as I have done here with the honourable the Commissioners of Virginia and Maryland. I never heard before of the Murder of the three Indians at Ohio; had Complaint been made to me of it, and it had appeared to have been committed by any of the People under my Government, they should have been put to Death, as two of them were, some Years ago, for killing two Indians. You are not to take your own Satisfaction, but to apply to me, and I will see that Justice be done you; and should any of the Indians rob or murder any of our People, I do expect that you will deliver them up to be tried and punished in the same Manner as white People are. This is the Way to preserve Friendship between us, and will be for your Benefit as well as ours. I am well pleased with the Steps you have already taken, and the Reproofs you have given to your Cousins the Delawares, and do expect you will lay your Commands upon some of their Chiefs to bring down the two young

Men that were present at the Murders; if they are not brought down, I shall look upon it as a Proof of their Guilt.

If, upon Examination, they shall be found not to have been concerned in the bloody Action, they shall be well used, and sent home in Safety: I will take it upon myself to see that they have no Injustice done them. An Inventory is taken of the Goods already restored, and I expect Satisfaction will be made for such as cannot be found, in Skins, according to Promise.

I well remember the coming down of one of the Conoy Indians with a Paper, setting forth, That the Conoys had come to a Resolution to leave the Land reserved for them by the Proprietors, but he made no Complaint to me of ill Usage from the white People. The Reason he gave for their Removal was, That the settling of the white People all round them had made Deer scarce, and that therefore they chose to remove to Juniata for the Benefit of Hunting. I ordered what they said to be entered in the Council-Book. The old Man's Expences were born, and a Blanket given him at his Return home. I have not yet heard form the Proprietors on this Head; but you may be assured, from the Favour and Justice they have always shewn to the Indians, that they will do every thing that may be reasonably expected of them in this Case.

In the Court-House Chamber at Lancaster,
July 2, 1744, P.M.

PRESENT,

The Honourable the Commissioners of Virginia.
The Deputies of the Six Nations.
Conrad Weiser, Interpreter.

The Indians being told, by the Interpreter, that their Brother Assaragoa was going to speak to them, the Commissioners spoke as follows:

Sachems and Warriors, our Friends and Brethren,

AS we have already said enough to you on the Subject of the Title to the Lands you claim from Virginia, we have no Occasion to say any thing more to you on that head, but come directly to the Point.

We have opened the Chest, and the Goods are now here before you; they cost Two Hundred Pounds Pensylvania Money, and were bought by a Person recommended to us by the Governor of Pensylvania with ready Cash. We ordered them to be good in their Kinds, and we believe they are so. These Goods, and Two Hundred Pounds in Gold, which lie on the Table, we will give you, our Brethren of the Six Nations, upon Condition

that you immediately make a Deed recognizing the King's Right to all the Lands that are, or shall be, by his Majesty's Appointment in the Colony of Virginia.

As to the Road, we agree you shall have one, and the Regulation is in Paper, which the Interpreter now has in his Custody to shew you. The People of Virginia shall perform their Part, if you and your Indians perform theirs; we are your Brethren, and will do no Hardships to you, but, on the contrary, all the Kindness we can."

The Indians agreed to what was said, and Canassatego desired they would represent their Case to the King, in order to have a further Consideration when the Settlement increased much further back. To which the Commissioners agreed, and promised they would make such a Representation faithfully and honestly; and, for their further Security that they would do so, they would give them a Writing, under their Hands and Seals, to that Purpose.

They desired that some Rum might be given them to drink on their Way home, which the Commissioners agreed to, and paid them in Gold for that Purpose, and the Carriage of their Goods from Philadelphia, Nine Pounds Thirteen Shillings, and Threepence, Pensylvania Money.

Canassatego further said, That as their

Brother Tocarry-hogan sent them provision on the Road here, which kept them from starving, he hoped their Brother Assaragoa would do the same for them back, and have the Goods he gave them carried to the usual Place; which the Commissioners agreed to, and ordered Provisions and Carriages to be provided accordingly.

After this Conference the Deed was produced, and the Interpreter explained it to them; and they, according to their Rank and Quality, put their Marks and Seals to it in the Presence of several Gentlemen of Maryland, Pensylvania and Virginia; and when they delivered the Deed, Canassatego delivered it for the Use of their Father, the Great King, and hoped he would consider them; on which the Gentlemen and Indians then present gave three Shouts.

In the Court-House at Lancaster, Tuesday, July 3, 1744, A.M.

PRESENT,

The Honourable GEORGE THOMAS, Esq; Governor, &c.
The Honourable the Commissioners of Virginia.
The Honourable the Commissioners of Maryland.
The Deputies of the Six Nations.
Conrad Weiser, Interpreter.

The Governor spoke as follows:

Friends and Brethren of the Six Nations,

AT a Treaty held with many of the Chiefs of your Nations Two Years ago, the Road between us was made clearer and wider; our Fire was enlarged, and our Friendship confirmed by an Exchange of Presents, and many other mutual good Offices.

We think ourselves happy in having been instrumental to your meeting with our Brethren of Virginia and Maryland; and we persuade ourselves, that you, on your Parts, will always remember it as an instance of our Good-will and Affection for you. This has given us an Opportunity of seeing you sooner than perhaps we should otherwise have done; and, as we are under mutual Obligations by

Treaties, we to hear with our Ears for you, and you to hear with your Ears for us, we take this Opportunity to inform you of what very nearly concerns us both.

THE great King of ENGLAND and the French King have declared War against each other. Two Battles have been fought, one by Land, and the other by Sea. The great King of ENGLAND commanded the Land-Army in Person, and gained a compleat Victory. Numbers of the French were killed and taken Prisoners, and the rest were forced to pass a River with Precipitation to save their Lives. The Great God covered the King's Head in that Battle, so that he did not receive the least Hurt; for which you, as well as we, have Reason to be very thankful.

THE Engagement at Sea was likewise to the Advantage of the English. The French and Spaniards joined their Ships together, and came out to fight us. The brave English Admiral burnt one of their largest Ships, and many others were so shattered, that they were glad to take the Opportunity of a very high Wind, and a dark Night, to run away, and to hide themselves again in their own Harbours. Had the Weather proved fair, he would, in all Probability, have taken or destroyed them all.

I need not put you in mind how much William Penn and his Sons have been your

Friends, and the Friends of all the Indians. You have long and often experienced their Friendship for you; nor need I repeat to you how kindly you were treated, and what valuable Presents were made to you two Years ago by the Governor, the Council, and the Assembly of Pensylvania. The Sons of William Penn are all now in England, and have left me in their Place, well knowing how much I regard you and all the Indians. As a fresh Proof of this, I have left my House, and am come thus far to see you, to renew our Treaties, to brighten the Covenant-Chain, and to confirm our Friendship with you. In Testimony whereof, I present you with this Belt of Wampum.

Which was received with the Yo-hah.

As your Nations have engaged themselves by Treaty to assist us, your Brethren of Pensylvania, in case of a War with the French, we do not doubt but you will punctually perform an Engagement so solemnly entered into. A War is now declared, and we expect that you will not suffer the French, or any of the Indians in Alliance with them, to march through your Country to disturb any of our Settlements; and that you will give us the earliest and best Intelligence of any Designs that may be formed by them to our Disadvantage, as we promise to do of any that may

be to yours. To enforce what I have now said to you in the strongest Manner, I present you with this Belt of Wampum.

Which was received with the Yo-hah.

After a little Pause his Honour, the Governor, spoke again:

Friends and Brethren of the Six Nations,

What I have now said to you is in Conformity to Treaties subsisting between the Province of which I am Governor and your Nations. I now proceed, with the Consent of the honourable Commissioners for Virginia and Maryland, to tell you, that all Differences having been adjusted, and the Roads between us and you made quite clear and open, we are ready to confirm our Treaties with your Nations, and establish a Friendship that is not to end, but with the World itself. And, in Behalf of the Province of Pensylvania, I do, by this fine Belt of Wampum, and a Present of Goods, to the Value of three hundred Pounds, confirm and establish the said Treaties of Peace, Union and Friendship, you on your Parts doing the same.

Which was received with a loud Yo-hah.

The Governor further added, The Goods bought with the one hundred Pounds Sterling, put into my Hands by the Governor of Virginia, are ready to be delivered when you

please. The Goods bought and sent up by the People of the Province of Pensylvania, according to the List which the Interpreter will explain, are laid by themselves, and are likewise ready to be delivered to you at your own time.

After a little Pause the Commissioners of Virginia spoke as follows:

Sachems and Warriors of the Six Nations,

The Way between us being made smooth by what passed Yesterday, we desire now to confirm all former Treaties made between Virginia and you, our Brethren of the Six Nations, and to make our Chain of Union and Friendship as bright as the Sun, that it may not contract any more Rust for ever; that our Children's Children may rejoice at, and confirm what we have done; and that you and your Children may not forget it, we give you one hundred Pounds in Gold, and this Belt of Wampum.

Which was received with the usual Ceremony.

Friends and Brethren,

Altho' we have been disappointed in our Endeavours to bring about a Peace between you and the Catawbas, yet we desire to speak to you something more about them. We believe they have been unfaithful to you, and

spoke of you with a foolish Contempt; but this may be only the Rashness of some of their young-Men. In this Time of War with our common Enemies the French and Spaniards, it will be the wisest way to be at Peace among ourselves. They, the Catawbas, are also Children of the great King, and therefore we desire you will agree, that we may endeavour to make a Peace between you and them, that we may be all united by one common Chain of Friendship. We give you this String of Wampum.

Which was received with the usual Ceremony.

Brethren,

Our Friend, Conrad Weiser, when he is old, will go into the other World, as our Fathers have done, our Children will then want such a Friend to go between them and your Children, to reconcile any Differences that may happen to arise between them, that, like him, may have the Ears and Tongues of our Children and yours.

The Way to have such a Friend, is for you to send three or four of your Boys to Virginia, where we have a fine House for them to live in, and a Man on purpose to teach the Children of you, our Friends, the Religion, Language and Customs of the white People. To this Place we kindly invite you to send

some of your Children; and we promise you they shall have the same Care taken of them, and be instructed in the same Manner as our own Children, and be returned to you again when you please; and, to confirm this, we give you this String of Wampum.

Which was received with the usual Ceremony.

Then the Commissioners of Maryland spoke as follows:

Friends and Brethren, the Chiefs or Sachems of the Six united Nations,

The Governor of Maryland invited you hither, we have treated you as Friends, and agreed with you as Brethren.

As the Treaty now made concerning the Lands in Maryland will, we hope, prevent effectually every future Misunderstanding between us on that Account, we will now bind faster the Links of our Chain of Friendship, by a Renewal of all our former Treaties; and that they may still be the better secured, we shall present you with one hundred Pounds in Gold.

What we have further to say to you is, Let not our Chain contract any Rust; whenever you perceive the least Speck, tell us of it, and we will make it clean. This we also expect of you, that it may always continue

so bright as our Generations may see their Faces in it; and, in Pledge of the Truth of what we have now spoken, and our Affection to you, we give you this Belt of Wampum.

Which was received with the usual Ceremony.

CANASSATEGO, in return, spoke as follows:

Brother Onas, Assaragoa, and Tocarry-hogan,

We return you Thanks for your several Speeches, which are very agreeable to us. They contain Matters of such great Moment, that we propose to give them a very serious Consideration, and to answer them suitably to their Worth and Excellence; and this will take till to-morrow Morning, and when we are ready we will give you due Notice.

You tell us you beat the French; if so, you must have taken a great deal of Rum from them, and can the better spare us some of that Liquor to make us rejoice with you in the Victory.

The Governor and Commissioners ordered a Dram of Rum to be given to each in a small Glass, calling it, A French Glass.

In the Court-House at Lancaster, July 4, 1744, A.M.

PRESENT,

The Honourable GEORGE THOMAS, Esq; Governor, &c
The Honourable the Commissioners of Virginia.
The Honourable the Commissioners of Maryland.
The Deputies of the Six Nations.
Conrad Weiser, Interpreter.

CANASSATEGO Speaker.

Brother Onas,

YESTERDAY you expressed your Satisfaction in having been instrumental to our meeting with our Brethren of Virginia and Maryland, we, in return, assure you, that we have great Pleasure in this Meeting, and thank you for the Part you have had in bringing us together, in order to create a good Understanding, and to clear the Road; and, in Token of our Gratitude, we present you with this String of Wampum.

Which was received with the usual Ceremony.

Brother Onas,

You was pleased Yesterday to inform us,

"That War had been declared between the great King of ENGLAND and the French King; that two great Battles had been fought, one by Land, and the other at Sea; with many other Particulars." We are glad to hear the Arms of the King of England were successful, and take part with you in your Joy on this Occasion. You then came nearer Home, and told us, "You had left your House, and were come thus far on Behalf of the whole People of Pensylvania to see us; to renew your Treaties, to brighten the Covenant-Chain, and to confirm your Friendship with us." We approve this Proposition, we thank you for it. We own, with Pleasure, that the Covenant-Chain between us and Pensylvania is of old Standing, and has never contracted any Rust; we wish it may always continue as bright as it has done hitherto; and, in Token of the Sincerity of our Wishes, we present you with this Belt of Wampum.

Which was received with the Yo-hah.

Brother Onas,

YOU was pleased Yesterday to remind us of our mutual Obligation to assist each other in case of a War with the French, and to repeat the Substance of what we ought to do by our Treaties with you; and that as a War had been already entered into with the

French, you called upon us to assist you, and not to suffer the French to march through our Country to disturb any of your Settlements.

In answer, we assure you we have all these Particulars in our Hearts, they are fresh in our Memory. We shall never forget that you and we have but one Heart, one Head, one Eye, one Ear, and one Hand. We shall have all your Country under our Eye, and take all the Care we can to prevent any Enemy from coming into it; and, in proof of our Care, we must inform you, that before we came here, we told *Onandio, our Father, as he is called, that neither he, nor any of his People, should come through our Country, to hurt our Brethren the English, or any of the Settlements belonging to them; there was Room enough at Sea to fight, there he might do what he pleased, but he should not come upon our Land to do any Damage to our Brethren. And you may depend upon our using our utmost Care to see this effectually done; and, in Token of our Sincerity, we present you with this Belt of Wampum.

Which was received with the usual Ceremony.

*Onandio, the Governor of Canada.

After some little Time the Interpreter said, Canassatego had forgot something material, and desired to mend his Speech, and to do so as often as he should omit any thing of Moment, and thereupon he added:

The Six Nations have a great Authority and Influence over sundry Tribes of Indians in Alliance with the French, and particularly over the Praying Indians, formerly a Part with ourselves, who stand in the very Gates of the French; and, to shew our further Care, we have engaged these very Indians, and other Indian Allies of the French for you. They will not join the French against you. They have agreed with us before we set out. We have put the Spirit of Antipathy against the French in those People. Our Interest is very considerable with them, and many other Nations, and as far as ever it extends, we shall use it for your Service.

The Governor said, Canassatego did well to mend his Speech; he might always do it whenever his Memory should fail him in any Point of Consequence, and he thanked him for the very agreeable Addition.

Brother Assaragoa,

You told us Yesterday, that all Disputes with you being now at an end, you desired to confirm all former Treaties between Vir-

ginia and us, and to make our Chain of Union as bright as the Sun.

We agree very heartily with you in these Propositions; we thank you for your good Inclinations; we desire you will pay no Regard to any idle Stories that may be told to our Prejudice. And, as the Dispute about the Land is now intirely over, and we perfectly reconciled, we hope, for the future, we shall not act towards each other but as becomes Brethren and hearty Friends.

We are very willing to renew the Friendship with you, and to make it as firm as possible, for us and our Children with you and your Children to the latest Generation, and we desire you will imprint these Engagements on your Hearts in the strongest Manner; and, in Confirmation that we shall do the same, we give you this Belt of Wampum.

Which was received with Yo-hah from the Interpreter, and all the Nations.

Brother Assaragoa,

You did let us know Yesterday, that tho' you had been disappointed in your Endeavours to bring about a Peace between us and the Catawbas, yet you would still do the best to bring such a Thing about. We are well pleased with your Design, and the more so, as we hear you know what sort of People the Catawbas are, that they are spiteful and offen-

sive, and have treated us contemptuously. We are glad you know these Things of the Catawbas; we believe what you say to be true, that there are, notwithstanding, some amongst them who are wiser and better; and, as you say, they are your Brethren, and belong to the great King over the Water, we shall not be against a Peace on reasonable Terms, provided they will come to the Northward to treat about it. In Confirmation of what we say, and to encourage you in your Undertaking, we give you this String of Wampum.

Which was received with the usual Ceremonies.

Brother Assaragoa,

You told us likewise, you had a great House provided for the Education of Youth, and that there were several white People and Indians Children there to learn Languages, and to write and read, and invited us to send some of our Children amongst you, &c.

We must let you know we love our Children too well to send them so great a Way, and the Indians are not inclined to give their Children Learning. We allow it to be good, and we thank you for your Invitation; but our Customs differing from yours, you will be so good as to excuse us.

We hope * Tarachawagon will be preserved by the good Spirit to a good old Age; when he is gone under Ground, it will be then time enough to look out for another; and no doubt but amongst so many Thousands as there are in the World, one such Man may be found, who will serve both Parties with the same Fidelity as Tarachawagon does; while he lives there is no Room to complain. In Token of our Thankfulness for your Invitation, we give you this String of Wampum.

Which was received with the usual Ceremony.

Brother Tocarry-hogan,

You told us Yesterday, that since there was now nothing in Controversy between us, and the Affair of the Land was settled to your Satisfaction, you would now brighten the Chain of Friendship which hath subsisted between you and us ever since we became Brethren; we are well pleased with the Proposition, and we thank you for it; we also are inclined to renew all Treaties, and keep a good Correspondence with you. You told us further, if ever we should perceive the Chain had contracted any Rust, to let you know, and you would take care to take the Rust out, and preserve it bright. We agree with you in this, and shall, on our Parts, do every

* Tarachawagon, Conrad Weiser.

thing to preserve a good Understanding, and to live in the same Friendship with you as with our Brother Onas and Assaragoa; in Confirmation whereof we give you this Belt of Wampum.

On which the usual Cry of Yo-hah was given.

Brethren,

We have now finished our Answer to what you said to us Yesterday, and shall now proceed to Indian Affairs, that are not of so general a Concern.

Brother Assaragoa,

There lives a Nation of Indians on the other Side of your Country, the Tuscaroraes, who are our Friends, and with whom we hold Correspondence; but the Road between us and them has been stopped for some Time, on account of the Misbehaviour of some of our Warriors. We have opened a new Road for our Warriors, and they shall keep to that; but as that would be inconvenient for Messengers going to the Tuscaroraes, we desire they may go the old Road. We frequently send Messengers to one another, and shall have more Occasion to do so now that we have concluded a Peace with the Cherikees. To enforce our Request, we give you this String of Wampum.

Which was received with the usual Cry of Approbation.

Brother Assaragoa,

Among these Tuscaroraes there live a few Families of the Conoy Indians, who are desirous to leave them, and to remove to the rest of their Nation among us, and the strait Road from them to us lies through the Middle of your Country. We desire you will give them free Passage through Virginia, and furnish them with Passes; and, to enforce our Request, we give you this String of Wampum.

Which was received with the usual Cry of Approbation.

Brother Onas, Assaragoa, and Tocarry-hogan,

At the Close of your respective Speeches Yesterday, you made us very handsome Presents, and we should return you something suitable to your Generosity; but, alas! we are poor, and shall ever remain so, as long as there are so many Indian Traders among us. Theirs and the white People's Cattle have eat up all the Grass, and make Deer scarce. However, we have provided a small Present for you, and though some of you gave us more than others, yet, as you are all equally our Brethren, we shall leave it to you to divide it as you please.—And then presented three

Bundles of Skins, which were received with the usual Ceremony from the three Governments.

We have one Thing further to say, and that is, We heartily recommend Union and a good Agreement between you our Brethren. Never disagree, but preserve a strict Friendship for one another, and thereby you, as well as we, will become the stronger.

Our wise Forefathers established Union and Amity between the Five Nations; this has made us formidable; this has given us great Weight and Authority with our neighbouring Nations.

We are a powerful Confederacy; and, by your observing the same Methods our wise Forefathers have taken, you will acquire fresh Strength and Power; therefore whatever befals you, never fall out one with another.

The Governor replied:

The honourable Commissioners of Virginia and Maryland have desired me to speak for them; therefore I, in Behalf of those Governments, as well as of the Province of Pensylvania, return you Thanks for the many Proofs you have given in your Speeches of your Zeal for the Service of your Brethren the English, and in particular for your having so early engaged in a neutrality the several Tribes of Indians in the French Alliance.

We do not doubt but you will faithfully discharge your Promises. As to your Presents, we never estimate these Things by their real Worth, but by the Disposition of the Giver. In this Light we accept them with great Pleasure, and put a high Value upon them. We are obliged to you for recommending Peace and good Agreement amongst ourselves. We are all Subjects, as well as you, of the great King beyond the Water; and, in Duty to his Majesty, and from the good Affection we bear to each other, as well as from a Regard to our own Interest, we shall always be inclined to live in Friendship.

Then the Commissioners of Virginia presented the hundred Pounds in Gold, together with a Paper, containing a Promise to recommend the Six Nations for further Favour to the King; which they received with Yo-hah, and the Paper was given by them to Conrad Weiser to keep for them. The Commissioners likewise promised that their publick Messengers should not be molested in their Passage through Virginia, and that they would prepare Passes for such of the Conoy Indians as were willing to remove to the Northward.

Then the Commissioners of Maryland presented their hundred Pounds in Gold, which was likewise received with the Yo-hah.

Canassatego said, We mentioned to you

Yesterday the Booty you had taken from the French, and asked you for some of the Rum which we supposed to be Part of it, and you gave us some; but it turned out unfortunately that you gave it in French Glasses, we now desire you will give us some in English Glasses.

The Governor made answer, We are glad to hear you have such a Dislike for what is French. They cheat you in your Glasses, as well as in every thing else. You must consider we are at a Distance from Williamsburg, Annapolis, and Philadelphia, where our Rum Stores are, and that although we brought up a good Quantity with us, you have almost drunk it out; but, notwithstanding this, we have enough left to fill our English Glasses, and will shew the Difference between the Narrowness of the French, and the Generosity of your Brethren the English towards you.

The Indians gave, in their Order, five Yohahs; and the honourable Governor and Commissioners calling for some Rum, and some middle-sized Wine-Glasses, drank Health to the great King of England, and the Six Nations, and put an end to the Treaty by three loud Huzza's, in which all the Company joined.

In the Evening the Governor went to take his Leave of the Indians, and, presenting them with a String of Wampum, he told

them, that was in return for one he had received of them, with a Message to desire the Governor of Virginia to suffer their Warriors to go through Virginia unmolested, which was rendered unnecessary by the present Treaty.

Then, presenting them with another String of Wampum, he told them, that was in return for theirs, praying him, that as they had taken away one Part of Conrad Weiser's Beard, which frightened their Children, he would please to take away the other, which he had ordered to be done.

The Indians received these two Strings of Wampum with the usual Yo-hah.

The Governor then asked them, what was the Reason that more of the Shawanaes, from their Town on Hohio, were not at the Treaty? But seeing that it would require a Council in Form, and perhaps another Day to give an Answer, he desired they would give an Answer to Conrad Weiser upon the Road on their Return home, for he was to set out for Philadelphia the next Morning.

CANASSATEGO in Conclusion spoke as follows:

We have been hindered, by a great deal of Business, from waiting on you, to have some private Conversation with you, chiefly to en-

quire after the Healths of Onas beyond the Water; we desire you will tell them, we have a grateful Sense of all their Kindnesses for the Indians. Brother Onas told us, when he went away, he would not stay long from us; we think it is a great while, and want to know when we may expect him, and desire, when you write, you will recommend us heartily to him; which the Governor promised to do, and then took his Leave of them.

The Commissioners of Virginia gave Canassatego a Scarlet Camblet Coat, and took their Leave of them in Form, and at the same time delivered the Passes to them, according to their Request.

The Commissioners of Maryland presented Gachradodow with a broad Gold-laced Hat, and took their Leave of them in the same Manner.

A true Copy, compared by

Richard Peters, Secr.

A

TREATY

BETWEEN

HIS EXCELLENCY

The Honourable GEORGE CLINTON,

Captain-General and Governor in Chief of the Province of *New-York*, and the Territories thereon depending in AMERICA, Vice-Admiral of the same, and Vice-Admiral of the Red Squadron of His Majesty's Fleet,

AND

The Six United *Indian* Nations, and other *Indian* Nations, depending on the PROVINCE of *NEW-YORK*.

Held at *ALBANY* in the Months of *August* and *September*, 1746.

A TREATY *between his Excellency the Governor of the Province of* New-York, *and the* Six Nations, *and other* Indian *Nations, depending on said Province.*

IT is well known in the Province of New-York, that the Six Nations of Indians depending on this Province, (called Iroquois by the French) had lately on several Occasions, appear'd dissatisfied and wavering in their Fidelity to the British Crown. No doubt, this was principally occasion'd by the Artifices of the French of Canada, who had constantly Emissaries among them: But at the same Time there is Reason to think, the suspicious Behaviour of these Nations, in Favour of their once inveterate Enemy the French, could not have arriv'd to the Pitch it did, otherwise than by some Neglects or Misconduct of those who were entrusted by the Government of New-York with the Management of the Indian Affairs.

His Excellency the Governor of New-York, having received his Majesty's Commands, to engage the Indian Nations depending on his Government, to join in the Expedition then

intended against Canada, and to make them the usual Presents on that Occasion; and being sensible of the great Use these Nations might be to the Success of this Enterprize, and likewise of the Difficulties that probably might attend his Endeavours at this Time, was desirous to have had the Assistance of as many of the Members of his Majesty's Council as the Circumstances of Affairs would permit; but they all declined to give their Attendance, except Mr. Colden and Mr. Livingston. His Excellency was therefore obliged to act with the smallest Number of Members, which by his Majesty's Commission can form a Council, viz. Three; the above two Gentlemen and Capt. Rutherford, who was then at his Post in Albany.

As soon as his Excellency received his Majesty's Commands, he dispatched from Albany such Persons as, by the best Information he could receive, had Influence among the Six Nations, to invite them severally to meet him at Albany, on the 20th of July. His Excellency arriv'd at Albany the 21st of July, where having heard, that, besides the Small-Pox, (which his Excellency never had) many were sick of a contagious malignant Fever, he continued on board the Sloop which carried him up, to consider where to lodge with the least Danger to his Person from the Infection of these Distempers; and the next

Morning resolved to go into the Fort. He was received at his Landing with the usual Marks of Respect from the Corporation, the independent Companies of regular Troops then in the Place, and the Militia, under a Discharge of the Cannon of the Fort and Town.

In the Afternoon of the same Day on which his Excellency came on shore, three Indians, viz. two Onandagos and an Oneydo, brought two French Scalps and presented to his Excellency: At which Time the Leader of the Party made a formal Speech to the following Purpose: "That having had repeated Accounts of the Mischiefs done by the French, and of the frequent Murders committed by them, and that the Mohawks, notwithstanding their Professions of Friendship, suffered this Bloodshed to remain unrevenged, his Heart could bear it no longer; he thereupon resolved to open for his Brethren the Path to Revenge: That these two Scalps which he now presented were taken at Noonday in sight of the French Fort at Crown Point." His Excellency told him how well he took this special Mark of his Fidelity, and assured him, that he would not only now reward him and his Companions, by particular Presents, but would always remember this Act of Friendship. They had already received the Reward given by the Act of Assembly. His Excellency gave each of them four Spanish Dol-

lars; to the Leader a fine laced Coat and Hat, and a silver Breast-plate; and to each of the others a Stroud Blanket and lac'd Hat.

These Indians told us, that they lay several Days among the Bushes, from whence they could see every Man that came out of the Fort-Gate. They endeavoured for some time to take a Prisoner, but observing that none went to such a Distance from the Fort that they could hope to carry him off, they resolved to take the first Opportunity for a Scalp: Two Soldiers coming out of the Fort, after the Chapel Bell had rung about Noon, one of the Indians, by their Leader's Order, fired with Swan Shot upon them while they were near to each other. It is a constant Rule among these sculking Parties, never to fire without Orders from their Leader. One of the French Men was killed upon the Spot, the other wounded, and fled immediately towards the Fort Gate, the Indian who had fired, pursu'd, and with his Hatchet brought him down within a hundred Steps of the Fort Gate; and, though the French in the Fort rushed out at the Gate, he took his Scalp off; the others had scalped the Man that was first killed, and then they all fled. The French in their Hurry had run out without their Arms, and upon recollecting themselves return'd to arm, which facilitated the Escape of the Indians.

His Excellency being informed, that the Leader of this Party was desirous to be distinguished by his Excellency's giving him a new Name, and that a Name, which in the Language of the Six Nations signified the Path-opener, would be most acceptable to him; his Excellency honour'd him with that Title; which he accepted very thankfully, and seem'd exceedingly pleased with it: Whereupon he said, that the other two Indians having associated with a Mehikander, or River Indian, were resolved to go out against the Enemy: But as he thought he might be more useful by staying, to assist at the ensuing Treaty, he was resolved to remain here. He added, that in case the Interpreter, and others sent to invite the Six Nations to meet here, fail'd in any Part, he would go among the Six Nations, and doubted not to bring many by his Influence, who otherwise might stay.

In a Day or two after, six of seven Indians, who had been sent out by the Commissioners for Indian Affairs to Crown-Point, to take Prisoners, and gain Intelligence, returned and said, That they had gone to that Place, and that in sight of it they had separated, with Design thereby to surprize any Stragler that might have come out of the Fort: That while they were thus separated, two of their Number were suddenly surrounded and taken

by the Enemy: One of these two, after having been detained three or four Days, join'd the others at Saraghtoga. He said, that he had been threatened with death by the Adirondacks;* but that the Cahnuagas† interpos'd, and by their Intercession he was set at Liberty; and some of the Cahnuagas conducted him through Lac Sacrement. He reported, that there was a great Number of Men, French and Indians, at Crown-Point. The other Prisoner, an Onondaga, consented to remain with the French, and was sent to Canada.

Soon after this, sixteen Mohawk Indians came to the Town, who had been sent out from the lower Mohawk Castle by Mr. Johnson, to gain Intelligence near Crown-Point, and to take Prisoners. They reported that they had discovered so great a Number of French and Indians at Crown Point, that they had no Hopes of being able to bring off any Prisoners, and thought it adviseable to return speedily and inform of the great Danger they thought this Place was in. His Excellency invited them to go thither again,

* A Nation of Indians living in Canada, who have always been firm Friends to the French, and formerly were at War with the Six Nations.

† A Number of Indians originally of the Five Nations, and Deserters from them, now settled near Montreal, by whom the illicit Trade between Albany and Montreal was carried on: They are well acquainted with the Country about Albany.

in order to descry the Motions of the Enemy: And as a farther Encouragement to them, to either Scalp or take Prisoners, he offered every Person of said Party that should take a Scalp or Prisoner, a Piece of Stroud, and a Suit of laced Clothes, besides the Bounty; but they, being frightened with the Apprehensions of Danger, declined going back, and said, they must return Home and acquaint their Friends and Relations with what they had heard and seen. Several other Indians likewise alarmed the Mohawks, by telling them that the French had a great Force at Crown-Point, and that they would certainly attack either Albany or Schenectade, or the Settlements on the Mohawks River, or perhaps several Places at the same Time.

Mr. Johnson, and the commanding Officer of the Garrison of regular Troops in the Mohawks Country, by their Letters to his Excellency, confirm'd these Reports; and added, the Mohawks had entertain'd Apprehensions of the French Force at Crown-Point, which was like to have a bad Effect. On this his Excellency wrote to Mr. Johnson, that all these Stories of the French Force at Crown-Point were only Artifices of the French to intimidate the Indians, or to amuse them, with Design to frustrate the Treaty which he intended to have with them; and that he was to assure the Indians, that they could be

in no Danger from the French: However, that they might see that he would omit nothing which they might think necessary for their Security, he had ordered a Lieutenant of Militia, with thirty Men, to reinforce the lower Castle, and had likewise ordered the Captain of Militia near the upper Castle, to assist the Indians there in fortifying their Castle, and to hold himself in Readiness to support them on any Emergency.

One John Colan, a Frenchman, who some Years since had removed from Canada, and settled and married at Schenectade, and who has since that Time lived in good Reputation there, was sent by Major Glen to inform his Excellency, that one Aaron, a noted Mohawk Sachem, who with several others of the Six Nations, had been last Spring in Canada to treat with the Governor there, did then entertain two Cahnuaga Indians. This Man, John Colan, acquainted his Excellency, that having discovered the Cahnuaga Indians, he told them he was a Frenchman, and was desirous of returning to his own Country, on which they began presently to propose to him Methods for his Escape; at which Time, this Aaron coming near them, he express'd his Fears of being discovered by him. They answered, that he need not fear Aaron, for he was their Friend, and designed to go with them. As they proposed to him to escape

privately by himself, and to meet them at a Place they named, he told them of his Fears, in that Case, of meeting with the French Indians while he was alone. They answered, that if he dress'd himself like an Indian, the French Indians would do him no Hurt, without first calling to him; upon which, if he stopp'd and call'd out Maria, the French Indians would be so far from hurting him, that they would immediately come up to him and take him by the Hand. From this, and several other Incidents, which it would be tedious to relate, his Excellency was convinced of some secret Understanding between the Six Nations and the Cahnuagas, or French Indians: And that, however any Party of our Indians might be induced to fall upon the French, they would not at that Time molest the French Indians, nor prevent the Mischiefs which the Inhabitants received from their sculking Parties.

For this Reason, his Excellency endeavoured to send out again the Company of Rangers, which had formerly been employed against the sculking Indians: But, as the Assembly had made no Provision for this Expence, they refused to go, unless he gave his personal Bond for their Pay, at three Shillings a Day for each private Man, besides their Provision; and would not be satisfied with the Promises that he, by the Advice of

the Council, made them of recommending their Service to the General Assembly, and the Assurances he gave them of their being rewarded as they desired.

On their continuing obstinate, his Excellency was of Opinion, that no considerable Service could be expected from Men, who were moved by no other Principle but that of excessive Wages: And he had Reason afterwards to be confirmed in this Opinion, when Captain Langdon, and afterwards Captain Thebout, voluntarily went with their Companies of the new-levied Troops to scour the woods, and took some of these Albany Men with them as Guides, who whenever they apprehended themselves in Danger, by the Discovery of recent Tracts, some one or other of them could not be kept from firing their Guns, or making some Noise, by which the French Indians, if any were near them, must know how to avoid them. Some Indians, who were likewise sent out in Company with these Men, complained in like Manner.

The publick Interpreter, whom the Governor (as before observed) had sent with others, to invite the Six Nations to meet him at Albany, wrote to the Commissioners for Indian Affairs, That they met with great Difficulties and Obstructions from the Sachems, who had been lately at Canada: That the Oneydoes refused to give any

Answer, tho' they had staid there thirteen Days endeavouring to persuade them; and that the Cayugas had absolutely refused to meet the Governor. On which his Excellency desire to be informed by the Commissioners of Indian Affairs, whether they knew of any Person of Influence or Interest with the Indians, and fit to be sent among them on this Occasion. They answered, that they knew of none; and that the Indians were in a very bad Disposition, and much under the Influence of the French.

About this time his Excellency being informed, that the Interpreter, and others sent with him, had neglected to send proper Invitations to the Indians living on the Branches of Susquehannah River; and that Captain Vroman, of Scohary, was a proper Person to be sent to those Indians; he sent him, in Company with Captain Staats, with a Belt of Wampum to invite them.

While the Indian Affairs appear'd in this discouraging State, an Account came to Town, that about twenty young Chickesaws were come to the Senekas, to desire them to shew them the Way to Canada. The Chickesaws had always been Enemies to the French: A Party of about five hundred Men had, four Years before, been sent out against them from Canada, who were so entirely routed by the Chickesaws, that few returned. These

young Chickesaws told the Senekas, that the French of Canada had, about four Years since, made them a Visit, and were so kind to leave them four hundred Guns, which were now wore out; and, since the French had not thought fit to bring them any more Guns, they were resolved to go to Canada to fetch new ones; and promised, that if the Senekas would shew them the Way, they would go Home and return with four hundred stout Fellows. Some other Indian Nations who lived to the Westward, discovering their Aversion to the French at the same Time, these Incidents assisted the Governor's Messengers in bringing more Indians to Albany than they expected, when they wrote to the Commissioners for Indian Affairs.

While the Interpreter was at the more distant Indian Castles, Mr. William Johnson was indefatigable among the Mohawks; he dressed himself after the Indian Manner, made frequent Dances, according to their Custom when they excite to War, and used all the Means he could think of, at a considerable Expence, (which his Excellency had promised to repay him) in order to engage them heartily in the War against Canada. Tho' he succeeded, beyond what any Man in Albany thought could be done, yet several of the Sachems (in the Conajohary, or upper Mohawk Castle, chiefly) refused to engage in

the War; but insisted, that as this War was entred into between the English and French, in which they had no Interest, they ought to remain neuter. The English and French, they said, could at any Time make Peace; but if they should enter into the War, Indians could not make up the Quarrel among themselves, otherwise than by the Destruction of one or the other. The French could have no Hopes of engaging the Six Nations on their Side against the English, and therefore wisely play'd this Game of endeavouring to make them stand neuter, which they could enforce by strong political Arguments, of which the Indians were sensible enough. It is your Interest, the French Emissaries said, not to suffer either the French or the English to be absolute Masters; for in that Case you must become Slaves to the one or the other. From this politic View chiefly, the Interpreter met with so much Opposition everywhere: Tho' it is not to be doubted, but that at the same Time the French had gain'd some particular Sachems entirely into their Interest; however, many were prevailed on to come to Albany, to hear what the Governor of New-York had to say to them; tho' several Sachems staid behind. When they of the more distant Nations came along with the Interpreter to the lower Mohawk Castle, and found that Mr. Johnson had already

engaged many of the young Men there to join the Army against Canada, the others blamed the Mohawks; telling them with some Warmth, That they had been very rash in engaging so far. "They ought, the others said, to have considered that they, the Mohawks, were the smallest in Number of any of the Six Nations, and ought not to have proceeded to so great a Length, without the previous Consent of the others." To this the Mohawks answered, It is true, we are less considerable as to Number, than any of the other Nations; but our Hearts are truly English, and all of us are Men*; so that, if our Force be put to the Trial, perhaps it will be found greater than you imagine. These Disputes, however, continued so far, that the Mohawks, and the other Five Nations, could not go in Company to Albany; the Mohawks marched on one side of the River, while the other Nations went on the other side. [There are two Roads from the Mohawks Castle to Schenectada, one on each side of the Mohawks River.]

When the Indians came near the Town of Albany, on the 8th of August, Mr. Johnson put himself at the Head of the Mohawks, dressed and painted after the Manner of an Indian War-Captain; and the Indians who

* The Six Nations reckon all other Indian Nations Women, in comparison to themselves.

followed him, were likewise dressed and painted, as is usual with them when they set out in War. The Indians saluted the Governor as they passed the Fort, by a running Fire; which his Excellency ordered to be answered by a Discharge of some Cannon from the Fort: He afterwards received the Sachems in the Fort-Hall, bid them Welcome, and treated them with a Glass of Wine.

As, by all Accounts, the Disposition of the Six Nations seemed at this Time less in Favour of the British Interest than was to be wished, his Excellency thought it necessary to have frequent Conferences, in private, with the principal Sachems of each Nation; sometimes separately and singly, at other Times with some of each Nation jointly. There were only two of the Mohawks Sachems (besides Aaron before mentioned, who left the Castle at this Time) that could not be prevailed on by Mr. Johnson to declare themselves for entering into the War against Canada: They were both of the Conajohary or Upper-Castle, and one of them the Head of the Tribe called the Tortoise; (which, tho' not so numerous as that of the Bear, yet is looked on as the first in Rank or Dignity;) and, as he had been with the Governor of Canada last Spring, it was thought to be of some Consequence to gain him. Mr. Colden,

above twenty Years since, had the Complement of being received into that Castle; and, about seven Years since (the last Time he had been with the Mohawks) had contracted some more particular Acquaintance with these two Sachems: He invited them to a private Conference, at which the Reverend Mr. Barclay assisted as Interpreter; they met him, and brought five more with them: After this Conference these Sachems appear'd as hearty as any of the others. He that was Head of the Tribe call'd the Tortoise, said, "His Uncle had been the chief War-Captain among the Mohawks: That his Uncle had particularly distinguished himself in their Wars against the French, and he was resolved to shew himself not unworthy of his Ancestors, nor of his Uncle's Name, which he had obtained after his Death."

After the principal Sachems had, at these Conferences, been brought to a good Disposition, his Excellency advised with the Gentlemen of the Council, and the Commissioners from the Massachusets Bay, on what might be proper to be said to the Six Nations in the publick Speech, which he now proposed to make to them. Col. Wendell and Mr. Wells had arrived from Boston about the End of July, and soon after they came to Town, his Excellency ordered the Gentlemen of the Council to communicate to them all the In-

formation which had been received, with respect to the Indian Affairs: And they had frequent Conferences together from Time to Time, as Occasion required: It was likewise thought proper to communicate, what his Excellency intended to say to some of the Sachems of each Nation, who were thought most hearty in the British Interest; who said, that it was well conceiv'd as could have been done, had they themselves advised upon the Subject; only as it had been advised to observe in the first Draught, That some of his Majesty's Subjects had been instigated by the French to rise in Rebellion against the King; that they had been defeated by one of the King's Sons; that these poor People were now utterly ruined, and had nothing left but to bewail their Folly in the Misery that was brought upon them, by suffering themselves to be deluded by the Promises of the French; they said, that they did not understand the Affairs on the other Side of the Sea, nor did they trouble their Heads about them; and as they had no Method of retaining what is spoke to them but by their Memories, they were afraid that this might perplex their Memories, and make them less attentive to what was properly their Business; and advised, that it should be left out; which accordingly was done.

Another Difficulty remained; the publick

Interpreter had been taken dangerously ill in his Return to Albany, and was at this Time confined to his Bed. Tho' several were employed, who had Knowledge sufficient in the Language of the Six Nations, to make themselves be understood, and to understand what was spoke to them; yet none of them were so much Masters of the Language, as to speak with that Propriety and Distinctness that is expected, and usual on so solemn an Occasion. It was thought therefore proper, to make one of the Sachems understand the Speech, by the Assistance of the common Interpreters, that he might be able to deliver it Paragraph by Paragraph, as it should be spoke. At first a Mohawk Sachem was pitched upon; but the Sachems themselves told us, That for some time past a kind of Party-Division among the Six Nations had subsisted: That the Mohawks, Onandagas, and Senekas, form'd one Party; and the Oneydoes, Tuscaroras, and Cayugas, the other: That, as the Mohawks might be suspected to be more partial to the English, it would be of more Use to employ one of the other Party; and an Oneydo Sachem was proposed for that Purpose. This Man was easily enough made to understand the Speech, and he repeated it several Times over in private, and was instructed where to make the proper Stops. After the Speech was deliv-

ered, some of the Commissioners for Indian Affairs, and other Persons present at the Delivery, who understood both Languages, acknowledged, that this Indian had acquitted himself of his Trust faithfully, and had delivered the Sense of the Speech clearly and distinctly.

While these last Preparations were making, his Excellency was taken ill of a Fever, which occasioned some further Delay; and as his Excellency did not recover so soon as was wished, the Sachems were told, that his Excellency being unwilling to detain them without necessity, would, if they desired it, direct Mr. Colden to speak to them in his Name, what he designed to say. They answered, that they would be well pleased to hear it from Mr. Colden's Mouth.

At Albany the Nineteenth of August, 1746.

PRESENT,

The Hon^ble { Cadwallader Colden, Philip Livingston, John Rutherford, } Esqrs; of his Majesty's Council for the Province of New-York.

The Commissioners from the Government of the Massachusets-Bay.

The Commissioners of the Province of New-York for Indian Affairs.

The Mayor and Corporation of Albany. The Officers of the Independent Companies, and of the new Levies then at Albany. Several Gentlemen of the Province of New-York: And Strangers.

Mr. Colden introduced the Speech as follows:

HIS Excellency our Governor having been taken ill, and as yet not so well recovered as that he can safely come abroad; has ordered me (being the next Person to him in the Administration) to speak to you in his Name, which I shall do in the same Words which he designed to have spoke, had he not been prevented by Sickness.

Brethren,

"I AM glad to see so many of our ancient Friends here, and heartily bid you Welcome.

[Gave three Strings of Wampum.]

"I have call'd you to this Place for two great Ends, in which the Province of the Massachusets-Bay have sent Commissioners to concur with me, who are here present.

"The First is, to renew the Covenant-Chain with you; and I now by this Belt, in your Father the King of Great-Britain's Name, in Behalf of his Majesty's Subjects in North-America, renew and confirm the Covenant-Chain, and all former treaties and Engagements entered into with you. This Chain has, from the Beginning, remained so firm and strong, that it has never once broke or slipt since it was first made; and we, on our Parts, shall endeavour that it remain so, unshaken, as long as the Sun and Moon shall endure. [Gave a Belt.]

"Brethren, Last Fall I told you, that his Majesty's Subjects in this Country had, the Summer before, lain still, without attempting any thing against the French Settlements: But that the French had by Surprize, attacked and destroyed a small Place near Cape-Breton, belonging to us.

"That they afterwards laid Siege to Annapolis-Royal, and were beat off.

"I likewise told you, That the Governor of the Massachusets-Bay, in Conjunction with Connecticut and New-Hampshire, had, in Revenge to these Injuries, sent an Army against Louisburg, on the Island of Cape-Breton; that the Army was joined by a Number of his Majesty's Ships of War, under the Command of your Friend Admiral Warren.

"I told you, that the Town of Louisburg, which is the strongest the French have in America, was reduced by this Force; and that the French there had surrendered themselves and their Country to the English.

"I likewise told you, how we, in this Part of the Country, had lain still, hoping that the French in Canada would either be quiet, or carry on the War in a manly Manner, and after the Manner of Christians. And to induce them thereto, a Message had been sent from this Place to the Governor of Canada, to tell him, That if he should revive the inhuman Custom of murdering private People, by sculking Indians, that the several Governors of His Majesty's Colonies, together with you our Brethren of the Six Nations, would join and make Reprisals on them in the like Manner; at which time you publickly declared, that if any of his Majesty's Subjects, in any Part of his Governments, should be killed by any Indians, you would imme-

diately join in the War against them, and the French.

"And last Fall, when I delivered the Hatchet into your Hands, you told me, and confirm'd it with a Belt, That you would send some of your People (who were then ready) to Canada, to demand Satisfaction; and that if Satisfaction was refused, you would use the Hatchet against them, whenever I should order it.

"And you further pomised, That if the Enemy should commit any further Hostilities, you would then (upon my Commands) immediately make Use of the Hatchet.

"I need not tell you, how far the French have been from giving Satisfaction; on the contrary, you are well acquainted with the cruel and barbarous Murders that have been committed, since that Time, by the French Indians at Saraghtoga, and in the Neighbourhoods of this Place, and on the Frontiers of New-England; as you have not hitherto fulfilled your Promises, I suspect that they did not come from your Hearts: I therefore, by this Belt, demand an immediate Performance of your Promises, to shew that they come from the Bottom of your Hearts; as all the Promises I make come from mine, and ever shall. [Gave a Belt.]

"Brethren, I now come to the second and principal Design of our present Meeting, in

which I hope and expect to find you hearty, and united in your Councils and Opinions.

[Gave a Belt.]

"The King your Father, having been informed of the unmanly Murders committed on the Frontiers of New-England, and of this Province, is resolved to subdue the Country of Canada, and thereby put an End to all the mischievous Designs of the French in these Parts. And for this purpose, he has ordered his Governors of Virginia, Maryland, Pensylvania, and New-Jersey, to join their Forces to the Forces of this Province, to attack Canada by Land: They are all now upon their march, and you will soon see them here.

"At the same Time the Forces of the Massachusets-Bay, Connecticut, Rhode-Island, and New-Hampshire, are to go in Ships to Cape-Breton, and there join with his Majesty's Ships of War, and a great Army of experienc'd Soldiers from Great-Britain.

"Many Ships of War are already arrived there, and some thousand of Soldiers; many more Ships and Soldiers are following; and I expect every Hour to hear of their Arrival; after which the Attack upon Canada will be made on all Sides, both by Sea and Land.

"You may perceive the King has ordered a Strength sufficient to subdue Canada; but at the same Time, the King your Father ex-

pects and orders you his Children, to join with your whole Force in this Enterprize; and thereby gives the Six Nations a glorious Opportunity of establishing their Fame and Renown over all the Indian Nations in America, in the Conquest of your inveterate Enemies the French; who, however they may dissemble and profess Friendship, can never forget the Slaughter which your Fathers made of them; and for that purpose, caress those Nations who have always been your inveterate Enemies, and who desire nothing so much as to see the Name of the Six Nations become obliterate, and forgot for ever.

[Gave a Belt.]

"Brethren, The French, on all Occasions, shew, that they act against your Brethren the English, like Men that know they dare not look them in the Face in Day-Light; and therefore, like Thieves, steal upon poor People, who do not expect them, in the Night, and consequently are not prepared for them: Your Brethren in their Revenge have acted like Men of Courage; they do not attack poor Farmers at their Labour, but boldly attempted the Reduction of Louisburg, the strongest Town the French had in America, in the fortifying of which they had spent above twenty Years: It was surrounded with strong Walls and Forts, in which they had planted their largest Cannon in every Place, where they

thought the English could come near them; notwithstanding of all these Precautions and Advantages, they were forced to submit to the English Valour

"You must have heard from your Fathers, and I doubt not several of your old Men still remember what the French did at Onondaga; how they surprized your Countrymen at Cadarackui; how they invaded the Senekas, and what Mischiefs they did to the Mohawks; how many of your Countrymen suffered by the Fire at Montreal. Before they entered upon these cruel and mischievous Designs, they sent Priests among you to delude you, and lull you asleep, while they were preparing to knock you on the Head; and I hear they are attempting to do the same now.

[Gave a Belt.]

"I need not put you in mind what Revenge your Fathers took for these Injuries, when they put all the Island of Montreal, and a great Part of Canada, to Fire and Sword; can you think that the French forget this? No, they have the Ax privately in their Hands against you, and use these deceitful Arts, by which only they have been able to gain Advantage over you, that by your trusting to them, they may at some time or other, at one Blow, remove from the Face of the Earth, the Remembrance of a People that have so often put them to Shame and Flight

"If your Fathers could now rise ont of their Graves, how would their Hearts leap with Joy to see this Day; when so glorious an Opportunity is put into their Hands to revenge all the Injuries their Country has received from the French, and be never more exposed to their Treachery and Deceit.

I make no doubt you are the true Sons of such renowned and brave Ancestors, animated with the same Spirit for your Country's Glory, and in Revenge of the Injuries your Fathers received, uncapable of being deluded by the flattering Speeches of them, who always have been, and always must be, in their Hearts, your Enemies, and who desire nothing more, than the Destruction of your Nations.

"I therefore invite you, Brethren, by this Belt, to join with us, and to share with us, in the Honour of the Conquest of our and your deceitful Enemies; and that you not only join all the Force of the Six Nations with us, but likewise invite all the Nations depending on you, to take a Share in this glorious Enterprize: And I will furnish your fighting Men with Arms, Ammunition, Cloathing, Provisions, and every Thing necessary for the War; and in their Absence, take Care of their Wives and Children.

[Gave the War-Belt.]

"Brethren, You have seen how daring and

insulting on you, as well as us, the French Indians have been, in cruelly murdering several of our People, since you have come to this Place; and therefore, for the many Reasons now laid before you, I make no doubt but your Answer will clearly manifest your Duty to the King your Father, and your Love to your Brethren; and by this Belt I do assure you, that our Intent is, to live and die together." [Gave a Belt of Friendship.]

At every Stop where a Belt was given, one of the Sachems call'd out Yo-hay, to which all the rest answered in a Sound which can not be expressed in our Letters, but seem'd to consist of two Words remarkably distinguished in the Cadence; it seem'd to this purpose; the Sachem calls, Do your hear? The Answer is, We attend and remember, or understand; or else it is a Kind of Plaudit our Interpreters could not explain. At the Close of the Speech, one Sachem of each Nation call'd out severally the Yo-hay, to which the others of the same Nation answer'd severally: But when the War-Belt was thrown down, they gave the War-Shout. We expected but six of these Plaudits, according to the Number of the Six Nations, but eight were distinctly delivered; by which we understood some other Nations were united with them on this Occasion.

After the Speech was delivered, the Sachems of the several Nations had Conferences together; and some time being spent in deliberating, they acquainted his Excellency, "That they had agreed upon their Answer, which they were ready to give whenever he would appoint a Time to receive it;" and he named the next Day.

Accordingly on the 23d of August, His Excellency being present; the Gentlemen of the Council; the Commissioners from Boston; the Commissioners for Indian Affairs; the Corporation of Albany; and many Gentlemen, as at the Time when his Excellency's Speech was delivered,

An Onondaga Sachem, who had formerly been Speaker for the Six Nations on several publick Occasions, rose up and spoke: What he said was publickly interpreted, in the Hearing of several who understood the Indian Language well, as follows:

Brethren of New York and of the Massachusets-Bay,

WE the Six Nations are now assembled together as one Man, and we take in the Messesagues for the seventh Nation; and what is now to be spoken by one Mouth, are the joint and sincere Thoughts of every Heart.

We are pleas'd that you follow the Steps of our Fore-fathers, in wiping off the sorrowful Tears from our Eyes, by which the Stoppage of our Throats are opened, and the bloody Bed wash'd clean.

[Gave three Strings of Wampum.]

Brethren, The first Time we met together, we only saluted each other by shaking of Hands; we afterwards made a Covenant Chain of Silver, which we mutually have held fast to this Day; should it now slip from either of our Hands, it would prove Destruction to both Sides, since our Enemies have drawn the Sword. [Gave a Belt.]

Brother of New-York; Last Year you gave us the Hatchet to be made Use of against your Enemies, the French, which we accepted and promised to make use of it if they should commit any farther Hostilities upon the English, which they have now done by destroying Saraghtoga, and shedding a great deal of Blood: Hitherto we have made no use of the Hatchet; but as you now call upon us, we are ready, and do declare from the Bottom of our Hearts, that we will from this Day, make use of it against the French, and their Children, (meaning their Indians.)

[N. B. The Question was asked them by his Excellency, Whether by the Words their Children, they meant all the Indians in

Alliance with the French? to which they answered, Yes.]

[At the End of the foregoing Paragraph, the Speaker threw down a War-Belt of Wampum on the Ground, it being the Indian Custom to deliver War-Belts, or make Declaration of War in this Manner: This he did with a remarkable Shew of Indignation, intending thereby to express their Resentment against the French and their Allies, and their Zeal for the English.]

[Gave a Belt.]

Brother of New-York; According to your Exhortation in your Speech to us, we are firmly united together from this Time, to act as having one Heart; the Messesagues are in the same Manner joined and united with us, likewise the Southern Nations bordering upon us; and we hope that you, and the other Governors on the Continent, will be in the same Manner joined and united together.

[Gave a Belt.]

[They repeated over his Excellency's Speech in Relation to the Conquest of Cape-Breton; and added, We hope that our Fleet and Army will be also victorious in the present Expedition against Canada; for the French are a mischievous People.] [Gave a Belt.]

As to your Suspicions of our admitting French Priests among us, they are become groundless, since we have now declared War

against them: The admitting of Priests, would only tend to lull us asleep to our Destruction; should any now dare to come, we know no Use for them but to roast them. The Thoughts of the Treatment we formerly received from the French thro' the Means of their Priests, and which you now seasonably have brought to our Remembrance makes our Blood to boil.

Brother of New-York; This is the second Time you have put the Hatchet into our Hands, which we accept, and are ready to go upon Service. You may see that we have but a Handful of fighting Men here at present; however, some of them from each Nation shall be left behind us to follow your Orders.

When we return to our respective Castles, we shall send down a great Number of our Warriors and of those of the Nations in Alliance with us, as soon as possible.

This we assure you of from the Truth and Sincerity of our Hearts; and we receive, and shall preserve this large Belt, [holding it up at the same Time] which you have now given us, as a War-Hatchet.

Brethren, This is the Belt of Union with which we are to go Hand in Hand to the Gate of our Enemies, and by it we declare our intention to conquer or die in the common Cause.

There is a Nation call'd the Messesagues whose Delegates are here present: They consist of five Castles, containing eight hundred Men, who are all determined, and do agree to join us, in this common Cause, against our Enemies the French, and their Indians; and we hope you, and the Commissioners from Boston, will use them in such a Manner that they will go home content and satisfied.

[Gave a Belt of Union, in which the Figures of several Persons join'd Hand in Hand, was wrought.]

The Person who interpreted, returned the Yo-hah at the End of every Paragraph, and having done the same at the Time they declared War, it occasioned Laughter among them; upon which, observing his Mistake, he began the War-Shout, in which all the Indians joined.

The Messesagues are a Nation of Indians, living near the Place called De Troit by the French, and situated between Lake Erie and the Huron Lake.

After the Speaker had finished, his Excellency told them by the Interpreter, that the King their Father had ordered him to make them a Present on this Occasion; and that the Government of Virginia had on the same Occasion, sent them a Present. The Commissioners from Boston at the same Time told

them, that they had a Present from their Government; and as they were soon to return Home, desired the Six Nations to come to their Lodgings to receive it; on which the Indians desired his Excellency to delay his Present to next Day, and they immediately went to receive their Presents from the Commissioners of the Massachusets-Bay.

The next Day, the Presents from the King being exposed on one Part, and those from Virginia separately near them, it was agreed by the People of Albany, who had seen many publick Presents given to the Six Nations on Treaties with them, that this was the most valuable ever given. His Excellency on giving the Presents, said:

"*Brethren*,

"YOU here see a Token of the Regard the King your Father has for you; and there is a Token of the Friendship of the Government of Virginia: But on this Occasion I cannot forbear taking Notice to you, that some of your People being at Canada, when the News of the Reduction of Cape-Breton came there, and when the French expected that Quebec would be immediately attacked in Consequence of it, several of them joined with the French, and promised them Assistance. This occasioned some Uneasiness

to your Brethren, being contrary to the Faith of your Nations, as well as to your Brethren's Expectations; however, you may now, by performing the Promises you Yesterday made in the most solemn Manner, remove all Suspicions; and for ever secure the Friendship of your Brethren, which hitherto has from the Beginning, remained unviolated on their Parts. The Goods now before you, are Presents to the Six Nations; and, as we have received the Messesagues into the Covenant between you and us, I expect that they shall share with you. Besides these general Presents now made to your Nations, I have prepared proper Cloathing for your War-Captains, and the Warriors who shall go under their Command; together with Arms, Ammunition and Provisions, which shall be delivered to the several Parties at the Time they shall go out on Service."

What his Excellency said having been interpreted by a Mohawk Sachem, and the Sachem added of his own Head, You now see how you are here treated, really like Brethren; the Governor of Canada does not treat his Indians so; they are set on like his Dogs, and they run on without Thought or Consideration: You see what a noble Present is made to you; if the Governor of Canada should seize all the Goods in that Country,

it would not be in his Power to make such a Present.

The Onondaga Sachem, Speaker of the Six Nations, immediately replied,

Brethren of New-York, New-England and Virginia:

WE heard, and observe well, what you now and formerly spoke to us; and we beg no mention may hereafter be made of what passed last Fall, since we are now heartily enter'd into the War with you, and have promised as many fighting Men from each Castle as can be spared; and likewise to engage as great Numbers of every Nation in Alliance with us, as we can, to join immediately with us in the War against the French, and the Nations who adhere to them.

Brethren of New-York, New-England and Virginia,

You must not suspect that it proceeds from any Backwardness in us, that a greater Number of our People do not at this Instant join with you; the Reason is, our Castles have but few fighting Men in them, many are now Abroad, some hunting and trading with far distant Nations, and others out fighting against our Enemies; all these we shall recall Home as soon as possible, in order to

enter with all our Force, into the War against your and our common Enemy.

Brother, We have no more to say at this Time, but only to tell you, we are sorry that we can so little shew our Hearts by the Presents we now offer; our hunting has been so very poor, that we cannot make you Presents suitable to our Inclinations.

The Mohawks added separately: We have been employed all Summer in your Service as Out-scouts, to gain Intelligence, or in some Manner or other, and thereby kept from hunting: We have no Furrs to offer you, but we here present our Persons, to serve you whereever you shall command.

That Day was spent in dividing the Presents among themselves. We were told, that these Presents were divided into eight equal Parts, of which they gave two to the Messesague Deputies.

The next Day the War-Kettle was set over the Fire, and towards Evening the Indians in his Excellency's Presence, where many Gentlemen attended him, began the War-Dance, and continued it till late in the Night: They were painted as when they go to War. The Dance is a slow and solemn Motion, accompanied with a pathetick Song. The Indians in their Turns perform this singly, but it is not easy to describe the Particularities of it.

His Excellency call'd several of the chief Sachems who had been useful in the Treaty, to him in private, and gave them Presents severally; neither did he forget the Messesague Deputies: He had a particular Conference with one of them in private, the other was sick of the Small-Pox. At this Conference, this Deputy assured his Excellency of the good Inclinations of his Nation to the English, and their Aversion to the French; he said, "That many of the Nations to the Westward of them, disliked the French;" and as an Instance of it, he told, "That the French lately having pressed a neighbouring Nation to take up the Hatchet against the English, they received it; but made Use of it against the French themselves, and kill'd all the French then with them, being sixty in Number, with the Loss of only one Man of their own Nation." His Excellency made him handsome Presents, and gave him a Belt to carry to his Nation, with an Invitation to join in the War against the French; the Messesague received them with a Profession of the most sincere and hearty Friendship; and that he made no doubt of bringing two, three, or four hundred Men of his Nation, to serve this Fall against the French. He added, "That he and several of his Relations would immediately use their best Endeavours, with several other Nations to the Westward of

them, who were numerous, to join against the French; in which, he said, he had great Hopes of Success, because they were dissatisfied with the French."

His Excellency took all possible Care of the sick Messesague, had him brought into a House, and ordered him to be attended by two Physicians; but the poor Man had the Misfortune to die, after he had been above a Fortnight ill. When he found himself near his End, he sent to the Governor, to desire him as his last Request that his Excellency would send the first French Scalp that should be taken, to his Mother; and when he was told that his Excellency had promised it, he shewed a Contentedness and Resignation to Death. This Misfortune was increased by the Death of the other Messesague Deputy likewise, who was taken ill in his Way Home, and died. The Six Nations took Care of their Wives and Children, who had come with them; and it was not doubted but that they, and all the Presents given them, would be safely conveyed to their own Homes.

Having so far given an Account of what passed with the Six Nations, it may be proper next to relate the Treaty with the Mehikanders, or River Indians, viz. The several Tribes of Indians living at several Places on each Side of Hudson's River.

On his Excellency's Arrival at Albany,

having found that there had been a Neglect in sending for the Esopus and Minissink Indians, he sent Orders for them to be invited. The Mehikanders being conveened the 21st, his Excellency directed Mr Colden to speak to them in his Name and Words; which Mr. Colden did; the other Gentlemen of the Council, the Commissioners from Boston, the Commissioners for Indian Affairs, and several other Gentlemen being present, in the Words following:

"*Children,*

"I AM glad to meet you at this Time, as are likewise the Commissioners from the Massachusets-Bay, who are now come hither to concur with me upon the present Occasion; and I take this Opportunity to renew the ancient Covenant Chain with you, in Behalf of this and all his Majesty's Governments in America, which you know has always been kept bright and clean, without any of the least Stain or Rust, and which by this Belt I strengthen. [Gave a Belt.]

"Children, My meeting you here, besides renewing the Covenant Chain, is with Intention that you should join your Force with ours, by taking up the Hatchet against our and your common Enemies the French, and their Indians; who have in a very unmanly Manner, by sculking Parties, murdered in cold

Blood, many of your Brethren in this and the Province of the Massachuset's-Bay.

"This Behaviour lays us under a Necessity of making Reprisals on them in like Manner, in which I make no doubt of your Assistance; and we are resolved to take a thorough Revenge of our and your perpetual Enemies, by reducing the Country of Canada, that it may not be in the Power of these perfidious, deceitful and cruel People, to do you or us any Injury for the future: For which Purpose all the neighbouring Colonies, together with many Ships of War and Soldiers from Great-Britain, are resolv d to unite their Force, and to attack Canada in all Parts, both by Sea and Land; and I make no doubt, you will on this Occasion shew yourselves dutiful Children, in joining heartily with us and the Six Nations, in this glorious Enterprise; by which you will not only gain Honour and Renown, but also Safety and Prosperity to yourselves, your Wives, and Children for ever afterwards: And for which End I will furnish your fighting Men with Arms, Ammunition, Cloathing, Provisions, and every Thing necessary for the War."

[Gave a War-Belt.]

On the 26th they gave their Answer, which was interpreted in the following words; (the same Persons being present, that were when

the Governor's Speech was delivered to them.)

Father,

WE are glad to see you; and we are come to renew the Covenant Chain, and make it fast and bright as ever, and free from Rust, and as a Token thereof we give you this Belt. [Gave a Belt.]

Father, You have told us what Mischief the French have done, and what Murders upon the Christians they have committed; therefore we declare from our Hearts, and not from our Lips only, that as you have ordered us to shed the Enemies' Blood in Return for what they have done, we are resolved to live and die with you in the common Cause.

When you Christans are at War, you make Peace with one another, but it is not so with us, therefore we depend upon you to take Care of us; in Confidence of which, we now take up the Hatchet, and will make Use of it against the French, and their Indians.

[Gave a Belt with a Hatchet.]

After their Answer they began the War-Dance, and his Excellency ordered a considerable Present in Goods to be publickly given them. None of these are suspected to be under French Influence.

As there was no Advice of the Arrival of

the Fleet, and no Plan of Operations agreed on in Case the Fleet did not arrive, the supporting of about seven hundred Indians was a great Expence to his Excellency, for which he had no Allowance from the Province of New-York, or for any other Charge attending this Treaty: And as many of the Indians, (above twenty) had got the Small-Pox, it being impracticable to prevent their going into Town, or conversing with the Town's People, and the Indians becoming uneasy by Reason of the Sickness of many, and Death of some; his Excellency thought it most prudent to dismiss them as soon as possible from this Place, and to give Orders to Mr. Johnson, to send out several Parties from Schenectade, or his own Settlement near the lower Mohawk Castle, to harrass the French Settlements in Canada; and for that Purpose delivered to him Cloathing, Arms and Ammunition, to be given to the fighting Men, as his Excellency had promised them whenever they entered on Service, and impowered him to furnish them with Provisions, and whatever Necessaries they should want.

Before they went, his Excellency sent to them, to desire them to leave their Sick, with a Promise to take all Care possible of them, and that he would order Physicians to attend them. They were very sensible of this Kindness, and acknowledged it; but not above

two or three could be prevailed to stay, who were so ill that they could not be removed: All possible Care was taken of the other Sick, in the Waggons which carried them to Schenectade.

On the 26th of September, the Captains Staats and Vromen brought the Indians living on the Branches of the Susquehannah River; they came in the Indian Order, marching in a single Line one after the other, and as they passed the Fort, saluted by a running Fire along the Line; which Salute the Governor ordered to be returned, by a Discharge of some Cannon from the Fort.

On Monday the 8th of the same Month his Excellency spoke to them, telling them the Substance of what he had ordered to be said to the Six Nations, and their Answer; and as this has been set forth at Length before, it is needless to repeat what was then said. The Reason of his Excellency's speaking to them in this Manner was, because these Nations living on the Susquehannah River and its Branches, are known to be Dependents on the Six Nations.

The next Day they gave their Answer; the Gentlemen of the Council, the Commissioners for Indian Affairs, the Corporation of Albany, the Officers of the four Independent Companies, and several Officers of the new Levies, and other Gentlemen being present, as they

were when his Excellency spoke to the Indians: Their Answer was publickly interpreted as follows:

Brother of New-York,

WE live at Ohguago; what News you send to the Six Nations is not truly reported to us, nor what the Governor of Canada sends to them; we have not been properly taken Notice of, nor timely acquainted with your Design to treat with the Six Nations, till near the Time that your Interview with them was over; otherwise we should have readily come along with them, to hear what our Brother had to propose to us; and if we had received earlier Notice, a much larger Number of our fighting Men would have come along with us: Our Settlements are scattering, and some of them at a great Distance from others, and many of our Men are from Home a hunting: we have, however, sent the Belt of Invitation forward to those who live at a greater Distance, that they may be able at the Time appointed, to come and join us in the War, as by your Belt we were desired.

Brother, You Yesterday informed us of what you had said to the Six Nations, and their Answer; we are grieved that the Six Nations have not already made use of the Hatchet, but have hitherto kept it by them,

and have not sent out their young Men to revenge the Murders which have been committed by the Enemy.

We are resolved to make use of the Hatchet against the French, to revenge the Injuries done to you and your People, our Brethren.

We have received at Times very different kind of News from the Six Nations, sometimes it seemed as if the French would be Masters; but it cannot be so, they are a deceitful People, and cannot be trusted; they make fair Promises, and have no Intention to perform them; they flatter themselves with Hopes to be Masters, but they shall be disappointed; for we shall keep the Hatchet firmly in our Hands, and are resolved to make Use of it.

We know several Roads that lead to Canada, we want to see the Hatchet, that we may take it up.

Upon which his Excellency threw down a Hanger, which the Speaker took up and began the War Dance, and several others danced the same after him.

After which they desired his Excellency to take Care of them, as he had promised.

His Excellency returned them Thanks for their so readily taking up the Hatchet; he said, that he would presently set the War-Kettle over the Fire, and provide them with

every Thing necessary for the War. His Excellency gave them a handsome Present in publick for their Nations in general, and private Presents to their principal Sachems; one of which promised, that after his return Home, he would go round all the Indian Settlements, to invite them into the War against the French, and their Indians; and that he did not doubt to be able to bring six hundred Men from the Indian Settlements on the Susquehannah River and its Branches, to march at any time, and to any Place, his Excellency should appoint, in order to join the Forces intended against Canada; in the mean Time they would cause a Party of their Men to go out with his Men to scour the Woods, and clear them of the French sculking Indians.

About this Time, a Serjeant of Capt. Livingston's Company was surprized and killed by a sculking Party of French Indians: In a few Minutes after the Account of this came to his Excellency, who happened to be dining at that Time in Capt. Wrexall's Tent, fourteen of the Susquehannah Indians were observed running past the Tent, in order to cross the River, and meet the French Indians; which his Excellency observing, and being apprehensive that they might meet with some of the Parties of the new Levies that were gone out for the same Purpose, and that they might be in Danger of being attacked through

Mistake; he ask'd if any of the Guard which then attended, would voluntarily go along with the Indians? Two Men offered themselves, who went with one who understood the Indian Language, in order to prevent Mistakes. Happy it was that this Precaution was taken; for Capt. Fanning with a great Part of his Company, having gone out with the same Intention of intercepting the French Indians, he discovered this Party of our Indians, and taking them to be French Indians, he kept his Men under the Cover of some Bushes, with their Arms ready to fire, expecting the nearer Approach of the Indians; when one of the Christians who were with them, observing Capt. Fanning's Men, called out, and came up to Capt. Fanning when his Men were ready to fire. None of the Parties that went out were able to discover any of the Enemy.

His Excellency afterwards sent out sixteen of these Indians, and cloathed them for that Purpose, together with about sixty Men detached from the Companies levied in the County of Albany, in order to scour the Woods, and to advance as far as the Lakes to gain Intelligence, by taking Prisoners or otherwise. While this Party was out, some of the Indians fell sick, and the others being apprehensive of the same Misfortune, they return'd, after having been but a few Days

in the Woods. His Excellency then perceiving the Uneasiness the Indians were under from the Apprehensions of Sickness, found it necessary to dismiss them all, on their Promise to return, whenever his Excellency should order, with all the Force they shall be able to collect; and which, they said, as before observed, might amount to six hundred Men. The Number of Indians that came at this Time from the Susquehannah River, consisted only of about sixty fighting Men, besides old Men, Women, and Children: More had come near to Albany, but having there heard of the Small-Pox and Sickness that was at Albany, and that many of the Six Nations had catched the Infection, and several of them were dead, they returned back.

After the Six Nations left Albany, many of them were taken sick on their Way Home, before they reached the Mohawk Castles, and a considerable Number of the briskest young Men of the Mohawks died. This retarded the Execution of the Order given to Mr. Johnson, to send out Parties to harrass the French Settlements in Canada, though he used all the Means in his Power to effect it. While he was pressing them to this Purpose, one of the Sachems who had promised to head a Party from the Canajohary Castle, said, You seem to think that we are Brutes,

that we have no Sense of the Loss of our dearest Relations, and some of them the bravest Men we had in our Nation: You must allow us Time to bewail our Misfortune.

About ten Days before his Excellency left Albany, a Party of upwards of seventy Men, consisting of some of each Nation, went against Canada: Some Christians were of the Party to assist and direct, and to be Witnesses of the Behaviour of the Indians. They were to avoid all the Lakes, and the usual Roads and Passes to Canada, and were to go thro' the Woods over Mountains, that are seldom passed, to prevent the Enemies discovering them: But after these had been out, Capt. Butler's Son, to whom the chief Direction of this Party was committed, was taken ill of the Small-Pox, and five of the Indians were obliged to return to carry him Home. Another small Party was sent out to take Prisoners, and gain Intelligence at Crown-Point. At the writing of this, it is not known what Success they have had.

When the Six Nations had come as far as the lower Mohawk Castle, in their return Home, they were met by about six Men of their own Nations, who delivered a Message from Canada, which had been brought by the Indian who was taken by the French at Crown Point, and carried to Canada. The

Message was interpreted in the following Words: "The Governor of Canada had called the Cahnuaga Indians to him, and then complained to them, that some of the Six Nations, his Children, had killed some of his People: You all know, he said, that I am not hasty or passionate, but will rather bear a great deal than shew Resentment, wherefore I am resolved to pass this over; but in the mean Time I must desire you to go among the Six Nations, to find out the Reason of this Proceeding, and to tell them, that if any Thing like it happen again, I will make them smart: You may nevertheless assure my Children * of the Six Nations, that I love and esteem them equally with the Cahnuagas, or Shawendadies,† being of the same Blood. And to convince them of my Love, I now send back to them one of their People that was taken at Crown Point, without eating his Flesh. And now Cahnuagas, my Children, I would not have you spill any more Blood from Albany upwards, for I begin to pity their Weakness; but turn your Arms towards New-England, against your most inveterate

* The Governor of Canada calls the Six Nations, (and all the Indian Nations depending on him) Children, as the Governor of New-York calls them Brethren.

† Another Settlement of Deserters from the Six Nations, and dwelling near Montreal.

Enemies, there is the Place for you to gain Honour now."

The Cahnuagas gave the following Answer to the Governor of Canada: Father, You are in the wrong, to desire us to go among the Six Nations for Intelligence, or with Menaces; for such will only stir them up, and bring them and all their Allies (who are very numerous) upon you, to destroy you at once. We know they are not to be bullied by your Words or ours, wherefore, Father, we must leave you to go through this Work by yourself.

After having as above, related what had passed between them and the Governor of Canada, they sent the following Message from themselves.

Brethren of the Six Nations, "We hear the Governor of New-York has invited you to meet him; we intreat you not to mind any Thing he shall say, in order to set you against us; for if you do, you, as well as we, must all die. Wherefore, Brethren, we conjure you by all the Ties of Friendship subsisting between us, to inform us of any Design that is plotting against us; and that when any such Thing shall be discovered, you will send an Express to Cadarackui,* where our Fire always burns.

*A French Fort opposite to Oswego, and the East End of Cadarackui Lake, or Lake Frontenac.

"Brethren, We shall be glad to see you next Spring at Cahnuaga, to hold a Council together, where you shall be as safe and welcome as ever.

"Brethren, The Governor our Father, being informed, that your Governor is raising Men to come against Canada, desires us to tell you, that he has one thousand eight hundred Men at Crown Point, ready to give them Battle; in which Number, the Men of eight Castles of the Utawawas are included.

"Brethren, Be not angry at our destroying Saraghtoga last Fall; Col. Schuyler dar'd us to it, by saying he wished to see a French Army there: We gratified him in his Wish."

A Cahnuaga Indian was sent along with the Prisoner that was restored; but when he came near the Settlements of the Six Nations, his heart fail'd him, and he sent the Prisoner forward by himself with the Message.

The Readiness with which the Six Nations communicated this Message, and the slight they in all Appearance put upon it, is some Proof of their Sincerity in the Promises they made to his Excellency; neither from any Thing which has happened can it be shewn, that they were not sincere. On the contrary, it appears by Mr. Johnson's Letter to his Excellency of the 21st of October, that several Parties are now out against the French; and that Mr. Johnson having received

Orders from Col. Roberts, to send as many Indians as possible to join the Army, all the Mohawks, even their oldest Men, were fitted out and ready; and having sent to the upper Castles at the same Time, they appeared so hearty, that there would not have remained above three old Men in any of the next Castles: And that Col Roberts afterwards contradicting these Orders, they had appeared very uneasy on their being stopt. It was not expected that they would enter into the War without us, or by themselves, neither are they a People of so little Thought, as to give any Reason to expect it from them.

When the Companies raised in Pensylvania arrived at Albany, his Excellency was informed by their Captains, that Mr. Thomas, Governor of that Province, had sent Conrad Weiser their publick Interpreter, among the Susquehannah Indians; and that they expected his Arrival at this Place in a little Time, with at least three hundred Indians. The Treaties with the Indians, which Mr. Thomas has published, gave great Hopes of the Success that Interpreter would have; and thereby increased the Disappointment, when Mr. Weiser arrived a few Days before his Excellency left Albany, and did not bring one Indian with him.

His Excellency Governor Clinton had perhaps more Difficulties to struggle with on this

Occasion, than any Governor of New-York had at any Time: The Six Nations had on several Occasions given Grounds of Mistrust; the Governor of Canada was attempting all the Means in his Power to divert their Affections from us; the People of the County of Albany had for some Time past, entertained a Dissatisfaction in the Conduct of the Commissioners for Indian Affairs; the Commissioners themselves were divided in their Sentiments, and several of them refused to attend their Meetings; and they confessed to his Excellency, that they had lost all Influence on the Indians; Mr. Gooch having declined the Command of the Forces at Albany, his Excellency was forced likewise to undertake a new and great Care, which he in no Manner expected when he left the City of New-York, and which from many incidents, was attended with many Difficulties. If these Things be duly considered, and the Dangers his Person was in from the Infection of two different Diseases, which at that Time raged in the City of Albany, of which great Numbers died during his Residence there of near three Months; none can doubt of his hearty Zeal for the Success of an Affair, in which the Safety and Prosperity of all the Colonies in North America, were immediately concerned.

But as every one may not be sufficiently apprized of what Consequence the Six Na-

tions being hearty, is to the Interest of Great-Britain, it may be proper to observe, That though a Number of Indians to march with the Army, which was intended to attack Canada, would be of great Use in discovering and defeating the Ambushes of the Enemy's Indians, while they were every Day to be guarded against by the Forces which were to march by Land, and would by their Incursions into the Enemy's Country, terribly harass them, and keep them from joining their Forces into any great Body to oppose the Design; these are not the most considerable Advantages might be gained from the Affection of the Six Nations at this Time, or any Time of War; for if the inland Extent of the Colonies from Nova Scotia to Georgia be considered, and at the same Time the numerous Indian Nations on the Continent of America, who may by the Artifices of the French be induced to make Incursions every where; and the cruel Methods by which the Indians make Incursions in small Parties, from the vast Forest which every where covers the Continent, and which in many Places is impenetrable; it must evidently appear, that though the English Colonies be of much superior Force in Numbers of Men, yet their Number would not be sufficient to protect their Frontiers from the Incursions of the Indians in every Place: And, that while

their Forces must in this Case be divided and scattered all over their Frontiers, it may be in the Power of the French in Canada, to invade with Success any Part of the English Colonies. On the other Hand, if a proper Attempt were to be made by the Northern Colonies alone, without the Assistance of their Mother Country, but with the Assistance of the Indians, it would in all Appearance be sufficient to reduce Canada; for if the Indian Nations can be persuaded to join heartily, (as from what is above related it seems probable they may) it will be impossible for the Inhabitants of Canada to defend themselves from the Incursions of these numerous Indian Nations, and from a Body of regular Troops at the same Time. As the French are very sensible of these Advantages to be gain'd from the Friendship of the Indian Nations, they neglect no Means in their Power to procure them: And it is to be hoped, that the Northern Colonies will be no less assiduous in a Matter on which their Well-being at least depends.

Some People wish that the Indians may remain neuter, and think it adviseable to pursue Measures for that Purpose, by which many horrid Barbarities would be prevented. No doubt this is to be wished; but can the English Colonies by any Means be assured, that the French will be sincere in preserving

such a Neutrality? And if they be not sincere, we shall more certainly expose ourselves to all these Calamities, than we are now by Indians being engaged on both Sides. The Six Nations are by their natural Inclinations, disposed to War-like Enterprizes: They never have been at Peace with all their Neighbours, since they were known to Christians. The Reputation they have gained among all the Indian Nations in North America gives them an Influence in the Councils of every Nation. It may then be easy for the French to turn this Disposition to War in the Six Nations, against us, and by their Influence draw all the Indian Nations in North America upon us. The Genius of the Six Nations will not suffer them to remain inactive, while their Neighbours are at War.

In the last Place, it may not be improper to observe at this Time, that though the Colonies to the Southward (and the Inhabitants of the Parts of the Northern Colonies, which are less exposed to the Incursions of Indians) think themselves little concerned in Interest, or in the Consequences of the present War; yet if they would consider that the Northern Colonies are really their Frontiers, and that they defend the others from all the Calamities of a most barbarous War; the Southern Colonies must think that any Contribution of Men and Money, which is ex-

pected from them, is an easy Purchase of the Freedom from such Calamities, to which their Brethren are subjected; and that while they can follow their Occupations at Ease, they are much better enabled to support the Expence of a War than the Northern Colonies are, where the Inhabitants are every Day in Danger of their Lives from a cruel Enemy, while at their daily and innocent Labours. If the Southern Colonies neglect to keep the War at a Distance from them, they may at an improper Time, become sensible of the Evils their Brethren suffer, and of their own Folly at the same Time.

New-York, Dec. 2, 1746.

The Party of seventy Indians and Whites mentioned in this Treaty, did not go out together as was at first intended, Sickness and other Incidents made it necessary to alter the Measures at first proposed. One Party of thirty Indians and ten Whites went by themselves. These fell upon a French Settlement on the North-side of St. Lawrence River, about 10 Leagues above Montreal, and brought away eight French Prisoners, one of them a Captain of Militia, and four Scalps. Another Party of nine Indians went to the Cahnuagas, under Pretence of continuing the Neutrality with them, they were introduced to the Governor of Montreal under the same

Pretence, who made them Presents: Their Design was to gain what Intelligence they could, and after they had done this, they acted their Part so well, that they received several Letters, one from the Governor of Montreal, and others from considerable Persons to the Commandant of Fort St. Frederic at Crown Point. In their Way thither, by which they were to return Home, they surprized some French in a small Fort, killed five, and brought away one Prisoner and one Scalp. They brought the French Prisoner and the Letters to the commanding Officer at Albany, and informed him of what they had seen and heard at Montreal.

A

COLLECTION

OF

CHARTERS

AND OTHER PUBLICK ACTS,

RELATING TO THE

Province of *PENSYLVANIA*

VIZ.

I. The ROYAL CHARTER to *WILLIAM PENN*, Esq;

II. The first FRAME of Government, granted in *England*, in 1682.

III. LAWS agreed upon in *England*.

IV. Certain CONDITIONS or CONCESSIONS.

V. The ACT f SETTLEMENT, made at *Chester*, 1682.

VI. The second FRAME of Government, granted 1683.

VII. The CHARTER of the CITY of *PHILADELPHIA*, granted *October* 25, 1701.

VIII. The New CHARTER of PRIVILEGES to the Province, granted *October* 28, 1701.

The CHARTER of CHARLES II. of England, Scotland, France and Ireland, KING, Defender of the Faith, &c.

Unto WILLIAM PENN, *Proprietary and Governor of the Province of Pensylvania.*

CHARLES, by the Grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith, &c. To all to whom these Presents shall come, Greeting. WHEREAS our trusty and well-beloved Subject William Penn, Esq; Son and Heir of Sir William Penn deceased, (out of a commendable Desire to enlarge our English Empire, and promote such useful Commodities as may be of Benefit to us and our Dominions, as also to reduce the savage Natives by gentle and just Manners, to the love of civil Society and the Christian Religion) hath humbly besought Leave of us, to transport an ample Colony unto a certain Country herein after described, in the Parts of America, not yet cultivated and planted; and hath likewise so humbly besought our Royal Majesty to give, grant, and confirm all the said Country, with certain Privileges and Jurisdictions, requisite for the good Government and Safety of the said Country and Colony, to him and his Heirs for ever.

SECT. I.

KNOW YE THEREFORE, That we (favouring the Petition and good Purpose of the said William Penn, and having Regard to the Memory and Merits of his late Father in divers Services, and particularly to his Conduct, Courage, and Discretion under our dearest Brother JAMES Duke of York, in that signal Battle and Victory fought and obtained against the Dutch Fleet, commanded by the Heer Van Opdam, in the Year 1665: In Consideration thereof, of our special Grace, certain Knowledge, and meer Motion) have given and granted, and by this our present Charter, for us, our Heirs and Successors, do give and grant unto the said William Penn, his Heirs and Assigns, all that Tract or Part of Land in America, with the Islands therein contained, as the same is bounded on the East by Delawar River, from twelve Miles Distance Northwards of Newcastle Town unto the three and fortieth Degree of Northern Latitude, if the said River doth extend so far Northward: But if the said River shall not extend so far Northward, then by the said River so far as it doth extend, and from the Head of the said River the Eastern Bounds are to be determined by a Meridian Line, to be drawn from the Head

of the said River, unto the said forty-third Degree. The said Land to extend Westward five Degrees in Longitude, to be computed from the said Eastern Bounds; and the said Lands to be bounded on the North by the Beginning of the three and fortieth Degree of Northern Latitude, and on the South by a Circle drawn at twelve Miles Distance from Newcastle Northward, and Westward unto the beginning of the fortieth Degree of Northern Latitude, and then by a strait Line Westwards to the Limits of Longitude abovementioned.

SECT. II.

WE do also give and grant unto the said William Penn, his Heirs and Assigns, the free and undisturbed Use and Continuance in, and Passage unto, and out of all and singular Ports, Harbours, Bays, Waters, Rivers, Isles, and Inlets, belonging unto, or leading to and from the Country or Islands aforesaid, and all the Soils, Lands, Fields, Woods, Underwoods, Mountains, Hills, Fenns, Isles, Lakes, Rivers, Waters, Rivulets, Bays, and Inlets, situated or being within, or belonging to the Limits or Bounds aforesaid, together with the Fishing of all Sorts of Fish, Whales, Sturgeon, and all royal and other Fishes, in the Seas, Bays, Inlets, Waters, or Rivers within the Premisses, and all the Fish there-

in taken; and also all Veins, Mines, Minerals, and Quarries, as well discovered as not discovered, of Gold, Silver, Gemms, and precious Stones, and all other whatsoever, be it Stones, Metals, or of any other Thing or Matter whatsoever, found or to be found within the Country, Isles, or Limits aforesaid.

SECT. III.

AND him, the said William Penn, his Heirs and Assigns, we do by this our Royal Charter, for us, our Heirs and Successors, make, create, and constitute, the true and absolute Proprietary of the Country aforesaid, and of all other the Premisses: Saving always to us, our Heirs and Successors, the Faith and Allegiance of the said William Penn, his Heirs and Assigns, and of all other Proprietaries, Tenants, and Inhabitants, that are or shall be within the Territories and Precincts aforesaid; and saving also, unto us, our Heirs and Successors, the Sovereignty of the aforesaid Country, to have, hold, possess, and enjoy the said Tract of Land, Country, Isles, Inlets, and ther the Premisses, unto the said William Penn, his Heirs and Assigns, to the only proper Use and Behoof of the said William Penn, his Heirs and Assigns, for ever, to be holden of us, our Heirs and Successors, Kings of England, as of our

Castle of Windsor in our County of Berks, in free and common Soccage, by Fealty only for all Services, and not in Capite or by Knights Service: Yielding and paying therefore to us, our Heirs and Successors, two Beaver-skins, to be delivered at our Castle of Windsor on the first Day of January in every Year; and also the fifth Part of all Gold and Silver Oar, which shall from Time to Time happen to be found within the Limits aforesaid, clear of all Charges. And of our further Grace, certain Knowledge, and meer Motion, we have thought fit to erect, and we do hereby erect the aforesaid Country and Islands into a Province and Seignorie, and do call it Pensylvania, and so from henceforth will have it called.

SECT. IV.

AND forasmuch as we have hereby made and ordained the aforesaid William Penn, his Heirs and Assigns, the true and absolute Proprietaries of all the Lands and Dominions aforesaid, KNOW YE THEREFORE, That we (reposing special Trust and Confidence in the Fidelity, Wisdom, Justice, and provident Circumspection of the said William Penn) for us, our Heirs and Successors, do grant free, full, and absolute Power (by Virtue of these Presents) to him and his Heirs, to his and

their Deputies, and Lieutenants for the good and happy Government of the said Country, to ordain, make, and enact, and under his and their Seals to publish any Laws whatsoever, for the raising of Money for publick Uses of the said Province, or for any other End, appertaining either unto the publick State, Peace, or Safety of the said Country, or unto the private Utility of particular Persons, according unto their best Discretion, by and with the Advice, Assent, and Approbation of the Freemen of the said Country, or the greater Part of them, or of their Delegates or Deputies, whom for the enacting of the said Laws, when, and as often as Need shall require, we will that the said William Penn and his Heirs, shall assemble in such Sort and Form, as to him and them shall seem best and, the same Laws duly to execute, unto and upon all People within the said Country and Limits thereof.

SECT. V.

AND we do likewise give and grant unto the said William Penn, and to his Heirs, and their Deputies and Lieutenants full Power and Authority, to appoint and establish any Judges and Justices, Magistrates and other Officers whatsoever, for what Causes soever, (for the Probates of Wills, and for the grant-

ing of Administrations within the Precincts aforesaid) and with what Power soever, and in such Form, as to the said William Penn or his Heirs, shall seem most convenient: Also to remit, release, pardon, and abolish (whether before Judgment or after) all Crimes and Offences whatsoever, committed within the said Country, against the said Laws, (Treason and wilful and malicious Murder only excepted, and in those Cases to grant Reprieves, until our Pleasure may be known therein) and to do all and every other Thing and Things, which unto the compleat Establishment of Justice unto Courts and Tribunals, Forms of Judicature, and Manner of Proceedings do belong, although in these Presents express Mention be not made thereof; and by Judges by them delegated, to award Process, hold Pleas, and determine in all the said Courts and Tribunals all Actions, Suits, and Causes whatsoever, as well criminal as civil, personal, real, and mixt; which Laws so, as aforesaid, to be published, our Pleasure is, and so we enjoin, require, and command, shall be most absolute and available in Law; and that all the Liege People and Subjects of us, our Heirs and Successors, do observe and keep the same inviolably in those Parts, so far as they concern them, under the Pain therein expressed, or to be expressed. Provided nevertheless, That the

same Laws be consonant to Reason, and not repugnant or contrary, but (as near as conveniently may be) agreeable to the Laws and Statutes, and Rights of this our Kingdom of England, and saving and reserving to us, our Heirs and Successors, the receiving, hearing, and determining of the Appeal and Appeals of all or any Person or Persons, of, in, or belonging to the Territories aforesaid, or touching any Judgment to be there made or given.

SECT. VI.

AND forasmuch as in the Government of so great a Country, sudden Accidents do often happen, whereunto it will be necessary to apply Remedy before the Freeholders of the said Province, or their Delegates or Deputies can be assembled to the making of Laws; neither will it be convenient that instantly upon every such emergent Occasion, so great a Multitude should be called together: Therefore (for the better Government of the said Country) we will, and ordain, and by these Presents, for us, our Heirs and Successors, do grant unto the said William Penn and his Heirs, by themselves or by their Magistrates and Officers, in that Behalf duly to be ordained as aforesaid, to make and constitute fit and wholesome Ordinances, from Time to

Time, within the said Country to be kept and observed, as well for the Preservation of the Peace, as for the better Government of the People there inhabiting; and publickly to notify the same to all Persons, whom the same doth or may any Ways concern. Which Ordinances our Will and Pleasure is, shall be observed inviolably within the said Province, under the Pains therein to be expressed, so as the said Ordinances be consonant to Reason, and be not repugnant nor contrary, but (so far as conveniently may be) agreeable with the Laws of our Kingdom of England, and so as the said Ordinances be not extended in any Sort to bind, change, or take away the Right or Interest of any Person or Persons, for or in their Life, Members, Freehold, Goods, or Chattles. And our farther Will and Pleasure is, That the Laws for regulating and governing of Property within the said Province, as well for the Descent and Enjoyment of Lands, as likewise for the Enjoyment and Succession of Goods and Chattles, and likewise as to Felonies, shall be and continue the same, as they shall be for the Time being, by the general Course of the Law in our Kingdom of England, until the said Laws shall be altered by the said William Penn, his Heirs or Assigns, and by the Freemen of the said Province, their Delegates or Deputies, or the greater Part of them.

SECT. VII.

AND to the End that the said William Penn, or his Heirs, or other the Planters, Owners, or Inhabitants of the said Province, may not at any Time hereafter (by Misconstruction of the Power aforesaid) through Inadvertency or Design, depart from that Faith and due Allegiance, which by the Laws of this our Realm of England, they and all our Subjects, in our Dominions and Territories, always owe to us, our Heirs and Successors, by Colour of any Extent or Largeness of Powers hereby given, or pretended to be given, or by Force or Colour of any Laws hereafter to be made in the said Province, by Virtue of any such Powers; OUR farther Will and Pleasure is, That a Transcript or Duplicate of all Laws, which shall be so as aforesaid made and published within the said Province, shall within five Years after the making thereof, be transmitted, and delivered to the Privy Council, for the Time being of us, our Heirs and Successors: And if any of the said Laws within the Space of six Months after that they shall be so transmitted and delivered, be declared by us, our Heirs and Successors, in our or their Privy Council, inconsistent with the Sovereignty, or lawful Prerogative of us, our Heirs or

Successors, or contrary to the Faith and Allegiance due to the legal Government of this Realm, from the said William Penn, or his Heirs, or of the Planters and Inhabitants of the said Province, and that thereupon any of the said Laws shall be adjudged and declared to be void by us, our Heirs and Successors, under our or their Privy Seal, that then and from thenceforth, such Laws, concerning which such Judgment and Declaration shall be made, shall become void: Otherwise the said Laws so transmitted, shall remain, and stand in full Force, according to the true Intent and Meaning thereof.

SECT. VIII.

FURTHERMORE, that this new Colony may the more happily increase, by the Multitude of People resorting thither; Therefore we, for us, our Heirs and Successors, do give and grant by these Presents, Power, Licence, and Liberty unto all the Liege People and Subjects, both present and future, of us, our Heirs and Successors, (excepting those who shall be especially forbidden) to transport themselves and Families unto the said Country, with such convenient Shipping as by the Laws of this our Kingdom of England they ought to use, and with fitting Provision, paying only the Customs therefore due, and there

to settle themselves, dwell and inhabit, and plant, for the publick, and their own private Advantage.

SECT. IX.

AND FURTHERMORE, that our Subjects may be the rather encouraged to undertake this Expedition with ready and chearful Minds, KNOW YE, That we, of our special Grace, certain Knowledge, and mere Motion, do give and grant by virtue of these Presents, as well unto the said William Penn, and his Heirs, as to all others, who shall from time to time repair unto the said Country, with a Purpose to inhabit or trade with the Natives of the said Country, full Licence to lade and freight in any Ports whatsoever, of us, our Heirs and Successors, according to the Laws made, or to be made within our Kingdom of England, and unto the said Country, by them, their Servants or Assigns, to transport all and singular their Goods, Wares and Merchandizes, as likewise all Sorts of Grain whatsoever, and all other Things whatsoever, necessary for Food or Clothing, not prohibited by the Laws and Statutes of our Kingdom and Dominions to be carried out of the said Kingdom, without any Let or Molestation of us, our Heirs or Successors, or of any of the Officers of us, our Heirs or Successors; saving always to us, our Heirs and Successors,

the legal Impositions, Customs, or other Duties and Payments, for the said Wares and Merchandizes, by any Law or Statute due, or to be due to us, our Heirs and Successors.

SECT. X.

AND we do further, for us, our Heirs and Successors, give and grant unto the said William Penn, his Heirs and Assigns, free and absolute Power, to divide the said Country and Islands into Towns, Hundreds and Counties, and to erect and incorporate Towns into Boroughs, and Boroughs into Cities, and to make and constitute Fairs and Markets therein, with all other convenient Privileges and Immunities, according to the Merits of the Inhabitants, and the Fitness of the Places, and to do all and every other Thing and Things touching the Premises, which to him or them shall seem meet and requisite; albeit they be such, as of their own Nature might otherwise require a more special Commandment and Warrant, than in these Presents is expressed.

SECT. XI.

WE will also, and by these Presents, for us, our Heirs and Successors, we do give and grant Licence by this our Charter, unto the said William Penn, his Heirs and Assigns, and to all the Inhabitants and Dwellers in

the Province aforesaid, both present and to come, to import or unlade, by themselves or their Servants, Factors, or Assigns, all Merchandizes and Goods whatsoever, that shall arise of the Fruits and Commodities of the said Province, either by Land or Sea, into any of the Ports of us, our Heirs or Successors, in our Kingdom of England, and not into any other Country whatsoever: And we give him full Power to dispose of the said Goods, in the said Ports; and if need be, within one Year next after the Unlading of the same, to lade the said Merchandize and Goods again into the same or other Ships, and to transport the same into any other Countries, either of our Dominions or foreign, according to Law; provided always, that they pay such Customs and Impositions, Subsidies and Duties for the same, to us, our Heirs and Successors, as the rest of our Subjects of our Kingdom of England, for the Time being, shall be bound to pay, and do observe the Acts of Navigation, and other Laws in that Behalf made.

SECT. XII.

AND FURTHERMORE, of our ample and special Grace, certain Knowledge, and mere Motion, we do, for us, our Heirs and Successors, grant unto the said William Penn, his Heirs and Assigns, full and absolute

Power and Authority, to make, erect, and constitute, within the said Province, and the Isles and Inlets aforesaid, such and so many Sea-ports, Harbours, Creeks, Havens, Keys, and other Places, for Discharging and Unlading of Goods and Merchandizes out of the Ships, Boats, and other Vessels, and landing them unto such and so many Places, and with such Rights, Jurisdictions, Liberties and Privileges unto the said Ports belonging, as to him and them shall seem most expedient; and that all and singular the Ships, Boats, and other Vessels, which shall come for Merchandize and Trade into the said Province, or out of the same, shall be laden or unladen only at such Ports as shall be created and constituted by the said William Penn, his Heirs or Assigns, (any Use, Custom, or Thing to the contrary notwithstanding.) Provided, that the said William Penn, and his Heirs, and the Lieutenants and Governors for the Time being, shall admit and receive in, and about all such Havens, Ports, Creeks and Keys, all Officers and their Deputies, who shall from Time to Time be appointed for that Purpose by the Farmers or Commissioners of our Customs for the Time being.

SECT. XIII.

AND we do further appoint and ordain, and by these Presents, for us, our Heirs and

Successors, we do grant unto the said William Penn, his Heirs and Assigns, That he, the said William Penn, his Heirs and Assigns, may from time to time for ever, have and enjoy the Customs and Subsidies, in the Ports, Harbours, and other Creeks and Places aforesaid, within the Province aforesaid, payable or due for Merchandize and Wares there to be laded and unladed, the said Customs and Subsidies to be reasonably assessed upon any Occasion, by themselves and the People there as aforesaid to be assembled, to whom we give Power by these Presents, for us, our Heirs and Successors, upon just Cause and due Proportion to assess and impose the same; saving unto us, our Heirs and Successors, such Impositions and Customs, as by Act of Parliament are and shall be appointed.

SECT. XIV.

AND it is our farther Will and Pleasure, That the said William Penn, his Heirs and Assigns, shall from Time to Time constitute and appoint an Attorney or Agent, to reside in or near our City of London, who shall make known the Place where he shall dwell, or may be found, unto the Clerks of our Privy-Council for the Time being, or one of them, and shall be ready to appear in any of our Courts at Westminster, to answer for any

Misdemeanor that shall be committed, or by any wilful Default or Neglect permitted by the said William Penn, his Heirs or Assigns, against the Laws of Trade and Navigation; and after it shall be ascertained in any of our said Courts, what Damages we or our Heirs or Successors shall have sustained by such Default or Neglect, the said William Penn, his Heirs or Assigns, shall pay the same within one Year after such Taxation, and Demand thereof, from such Attorney; or in case there shall be no such Attorney by the Space of one Year, or such Attorney shall not make Payment of such Damages within the Space of a Year, and answer such other Forfeitures and Penalties within the said Time, as by the Acts of Parliament in England are and shall be provided, according to the true Intent and Meaning of these Presents; then it shall be lawful for us, our Heirs and Successors, to seize and resume the Government of the said Province or Country, and the same to retain until Payment shall be made thereof: But notwithstanding any such Seizure or Resumption of the Government, nothing concerning the Propriety or Ownership of any Lands, Tenements, or other Hereditaments, or Goods or Chattles, of any of the Adventurers, Planters or Owners, other than the respective Offenders there, shall any ways be affected or molested thereby.

SECT. XV.

PROVIDED always, and our Will and Pleasure is, That neither the said William Penn, nor his Heirs, or any other the Inhabitants of the said Province, shall at any Time hereafter have or maintain any Correspondence with any other King, Prince, or State, or with any of their Subjects, who shall then be in War against us, our Heirs and Successors; nor shall the said William Penn, or his Heirs, or any other Inhabitants of the said Province, make War, or do any Act of Hostility against any other King, Prince, or State, or any of their Subjects, who shall then be in League or Amity with us, our Heirs and Successors.

SECT. XVI.

AND, because in so remote a Country, and situated near many barbarous Nations, the Incursions as well of the Savages themselves, as of other Enemies, Pirates and Robbers, may probably be feared; Therefore we have given, and for us, our Heirs and Successors, do give Power by these Presents to the said William Penn, his Heirs and Assigns, by themselves or their Captains, or other their Officers, to levy, muster and train all Sorts

of Men, of what Condition soever, or wheresoever born, in the said Province of Pensilvania for the Time being, and to make War, and to pursue the Enemies and Robbers aforesaid, as well by Sea as by Land, even without the Limits of the said Province, and by God's Assistance to vanquish and take them, and being taken to put them to Death by the Law of War, or to save them at their Pleasure, and to do all and every other Thing which unto the Charge and Office of a Captain-General of an Army belongeth, or hath accustomed to belong, as fully and freely as any Captain-General of an Army hath ever had the same.

SECT. XVII.

AND FURTHERMORE, of our special Grace, and of our certain Knowledge and mere Motion, we have given and granted, and by these Presents, for us, our Heirs and Successors, do give and grant unto the said William Penn, his Heirs and Assigns, full and absolute Power, Licence and Authority, that he, the said William Penn, his Heirs and Assigns, from time to time hereafter for ever, at his or their own Will and Pleasure may assign, alien, grant, demise, or enfeoff of the Premisses so many and such Parts and Parcels to him that shall be willing to purchase the same, as they shall think fit, to have and

to hold to them the said Person and Persons willing to take and purchase, their Heirs and Assigns, in Fee-simple or Fee-tail, or for the Term of Life, Lives or Years, to be held of the said William Penn, his Heirs or Assigns, as of the said Seigniory of Windsor, by such Services, Customs or Rents, as shall seem meet to the said William Penn, his Heirs or Assigns, and not immediately of us, our Heirs or Successors.

SECT. XVIII.

AND to the same Person or Persons, and to all and every of them, we do give and grant by these Presents, for us, our Heirs and Successors, Licence, Authority and Power, that such Person or Persons may take the Premisses, or any Parcel thereof, of the aforesaid William Penn, his Heirs or Assigns, and the same hold to themselves, their Heirs and Assigns, in what Estate of Inheritance soever, in Fee-simple or in Fee-tail, or otherwise, as to him, the said William Penn, his Heirs or Assigns, shall seem expedient: The Statute made in the Parliament of EDWARD, Son of King HENRY, late King of England, our Predecessor, (commonly called The Statute QUIA EMPTORES TERRARUM, lately published in our Kingdom of England) in any wise notwithstanding.

SECT. XIX.

AND by these Presents we give and grant Licence unto the said William Penn, and his Heirs, and likewise to all and every such Person or Persons to whom the said William Penn, or his Heirs, shall at any Time hereafter grant any Estate or Inheritance as aforesaid, to erect any Parcels of Land within the Province aforesaid into Manors, by and with the Licence to be first had and obtained for that Purpose, under the Hand and Seal of the said William Penn, or his Heirs; and in every of the said Manors to have and to hold a Court-Baron, with all things whatsoever which to a Court-Baron do belong, and to have and to hold View of Frank-Pledge for the Conservation of the Peace, and the better Government of those Parts, by themselves or their Stewards, or by the Lords for the Time being of the Manors to be disputed when they shall be erected, and in the same to use all Things belonging to the View of Frank-Pledge. AND we do further grant Licence and Authority, That every such Person or Persons who shall erect any such Manor or Manors, as aforesaid, shall or may grant all or any Part of his said Land to any Person or Persons, in Fee-simple, or any other Estate of Inheritance to be held of the said

Manors respectively, so as no farther Tenure shall be created, but that upon all further or other Alienations thereafter to be made, the said Lands so aliened shall be held of the same Lord and his Heirs, of whom the Aliener did then before hold, and by the like Rents and Services which were before due and accustomed.

SECT. XX.

AND FURTHER our Pleasure is, and by these Presents, for us, our Heirs and Successors, we do covenant and grant to and with the said William Penn, his Heirs and Assigns, That we, our Heirs and Successors, shall at no Time hereafter set or make, or cause to be set or made, any Imposition, Custom, or other Taxation, Rate or Contribution whatsoever, in and upon the Dwellers and Inhabitants of the aforesaid Province, or their Lands, Tenements, Goods or Chattles within the said Province, or in and upon any Goods or Merchandizes within the Province, or to be laden or unladen within the Ports or Harbours of the said Province, unless the same be with the Consent of the Proprietary, or chief Governor, or Assembly, or by Act of Parliament in England.

SECT. XXI.

AND our Pleasure is, and for us, our Heirs and Successors, we charge and command,

That this our Declaration shall from henceforth from Time to Time be received and allowed in all our Courts, and before all the Judges of us, our Heirs and Successors, for a sufficient lawful Discharge, Payment and Acquittance; commanding all the Officers and Ministers of us, our Heirs and Successors, and enjoining them upon Pain of our highest Displeasure, that they do not presume at any Time to attempt any thing to the contrary of the Premisses, or that do in any sort withstand the same, but that they be at all Times aiding and assisting, as is fitting to the said William Penn, and his Heirs, and unto the Inhabitants and Merchants of the Province aforesaid, their Servants, Ministers, Factors, and Assigns, in the full Use and Fruition of the Benefit of this our Charter.

SECT. XXII.

AND our farther Pleasure is, and we do hereby, for us, our Heirs and Successors, charge and require, That if any of the Inhabitants of the said Province, to the Number of Twenty, shall at any Time hereafter be desirous, and shall by any Writing, or by any Person deputed by them, signify such their Desire to the Bishop of London for the Time being, That any Preacher or Preachers, to be approved of by the said Bishop, may be sent

unto them for their Instruction; That then such Preacher or Preachers shall and may reside within the said Province, without any Denial or Molestation whatsover.

SECT. XXIII.

AND if perchance hereafter any Doubt or Question should arise, concerning the true Sense and Meaning of any Word, Clause, or Sentence contained in this our present Charter, we will, ordain, and command, That at all Times, and in all Things, such Interpretation be made thereof, and allowed in any of our Courts whatsoever, as shall be adjudged most advantageous and favourable unto the said William Penn, his Heirs and Assigns: Provided always no Interpretation be admitted thereof, by which the Allegiance due unto us, our Heirs and Successors, may suffer any Prejudice or Diminution; although express Mention be not made in these Presents of the true yearly Value, or Certainty of the Premisses, or any Part thereof, or of other Gifts and Grants made by us and our Progenitors or Predecessors unto the said William Penn: Any Statute, Act, Ordinance, Provision, Proclamation, or Restraint heretofore had, made, published, ordained, or provided, or any other Thing, Cause or Matter whatsoever, to the contrary thereof in any

wise notwithstanding. IN WITNESS whereof we have caused these our Letters to be made Patent: Witness OUR SELF, at Westminster, the Fourth Day of March, in the three and thirtieth Year of our Reign. Annoque Domini One Thousand Six Hundred and Eighty-one.

By Writ of Privy Seal,

PIGOTT.

The FRAME of the Government of the Province of Pensilvania in America: Together with certain Laws agreed upon in England. By the Governor and divers Freemen of the aforesaid Province. To be further explained and continued there, by the first Provincial Council that shall be held, if they see meet.

The PREFACE.

WHEN the great and wise GOD had made the World, of all his Creatures it pleased him to chuse Man his Deputy to rule it; and to fit him for so great a Charge and Trust, he did not only qualify him with Skill and Power, but with Integrity to use them justly. This native Goodness was equally his Honour and his Happiness;

and whilst he stood here, all went well; there was no need of coercive or compulsive Means; the Precept of divine Love and Truth in his Bosom was the Guide and Keeper of his Innocency. But Lust prevailing against Duty, made a lamentable Breach upon it; and the Law, that had before no Power over him, took place upon him and his disobedient Posterity, that such as would not live conformable to the holy Law within, should fall under the Reproof and Correction of the just Law without, in a judicial Administration.

THIS the Apostle teaches in divers of his Epistles: The Law (says he) was added because of Transgression: In another Place, Knowing that the Law was not made for the righteous Man; but for the disobedient and ungodly, for Sinners, for unholy and prophane, for Murderers, for Whoremongers, for them that defile themselves with Mankind, and for Men-stealers, for Liars, for perjured Persons, &c. But this is not all, he opens and carries the Matter of Government a little further: Let every Soul be subject to the higher Powers; for there is no Power but of GOD. The Powers that be are ordained of GOD: Whosoever therefore resisteth the Power, resisteth the Ordinance of GOD. For Rulers are not a Terror to good Works, but to evil: Wilt thou then not be afraid of the Power? do that which is good, and thou shalt

have Praise of the same.—He is the Minister of God to thee for good.—Wherefore ye must needs be subject, not only for Wrath, but for Conscience sake.

THIS settles the divine Right of Government beyond Exception, and that for two Ends: First to terrify evil Doers; Secondly to cherish those that do well; which gives Government a Life beyond Corruption, and makes it as durable in the Word, as good Men shall be. So that Government seems to me a Part of Religion itself, a Thing sacred in its Institution and End. For if it does not directly remove the Cause, it crushes the Effects of Evil, and is as such (though a lower yet) an Emanation of the same divine Power, that is both Author and Object of pure Religion; the Difference lying here, that the one is more free and mental, the other more corporal and compulsive in its Operations: But that is only to evil Doers; Government itself being otherwise as capable of Kindness, Goodness, and Charity, as a more private Society. They weakly err, that think there is no other Use of Government than Correction, which is the coarsest Part of it: Daily Experience tells us, that the Care and Regulation of many other Affairs, more soft and daily necessary, make up much the greatest Part of Government; and which must have followed the Peopling of the World,

had Adam never fell, and will continue among Men on Earth under the highest Attainments they may arrive at, by the coming of the blessed Second Adam, the LORD from Heaven. Thus much of Government in general, as to its Rise and End.

FOR particular Frames and Models, it will become me to say little; and comparatively I will say nothing. My Reasons are: First, That the Age is too nice and difficult for it; there being nothing the Wits of Men are more busy and divided upon. 'Tis true, they seem to agree in the End, to wit, Happiness; but in the Means they differ, as to divine, so to this human Felicity; and the Cause is much the same, not always Want of Light and Knowledge, but Want of Using them rightly. Men side with their Passions against their Reason, and their sinister Interests have so strong a Biass upon their Minds, that they lean to them against the good of the things they know.

Secondly, I do not find a Model in the World, that Time, Place, and some singular Emergencies have not necessarily altered; nor is it easy to frame a civil Government, that shall serve all Places alike.

Thirdly, I know what is said by the several Admirers of Monarchy, Aristocracy, and Democracy, which are the Rule of one, a few, and many, and are the three common Ideas

of Government, when Men discourse on that Subject. But I chuse to solve the Controversy with this small Distinction, and it belongs to all three: Any Government is free to the People under it (whatever be the Frame) where the Laws rule, and the People are a Party to those Laws; and more than this is Tyranny, Oligarchy, or Confusion.

BUT Lastly, when all is said, there is hardly one Frame of Government in the World so ill designed by its first Founders, that in good Hands would not do well enough; and Story tells us, the best in ill ones can do nothing that is great or good; Witness the Jewish and Roman States. Governments, like Clocks, go from the Motion Men give them; and as Governments are made and moved by Men, so by them they are ruined too. Wherefore Governments rather depend upon Men, than Men upon Governments. Let Men be good, and the Government can't be bad; if it be ill, they will cure it. But if Men be bad, let the Government be never so good, they will endeavour to warp and spoil it to their Turn.

I know some say, Let us have good Laws, and no matter for the Men that execute them: But let them consider, That though good Laws do well, good Men do better: For good Laws may want good Men, and be abolished or evaded by ill Men; but good Men

will never want good Laws, nor suffer ill ones. 'Tis true, good Laws have some awe upon ill Ministers, but that is where they have no Power to escape or abolish them, and the People are generally wise and good: But a loose and depraved People (which is to the Question) love Laws and an Administration like themselves. That therefore which makes a good Constitution, must keep it, viz. Men of Wisdom and Virtue, Qualities, that because they descend not with worldly Inheritances, must be carefully propagated by a virtuous Education of Youth; for which After-Ages will owe more to the Care and Prudence of Founders and the successive Magistracy, than to their Parents for their private Patrimonies.

THESE Considerations of the Weight of Government, and the nice and various Opinions about it, made it uneasy to me to think of publishing the ensuing Frame and conditional Laws, foreseeing, both the Censures they will meet with from Men of differing Humours and Engagements, and the Occasion they may give of Discourse beyond my Design.

BUT next to the Power of Necessity, (which is a Solicitor that will take no Denial) this induced me to a Compliance, that we have with Reverence to GOD and good Conscience to Men) to the best of our Skill, con-

trived and composed the FRAME and LAWS of this Government, to the great End of all Government, viz. To support Power in Reverence with the People, and to secure the People from the Abuse of Power; that they may be free by their just Obedience, and the Magistrates honourable for their just Administration: For Liberty without Obedience is Confusion, and Obedience without Liberty is Slavery. To carry this Evenness is partly owing to the Constitution, and partly to the Magistracy: Where either of these fail, Government will be subject to Convulsions; but where both are wanting, it must be totally subverted: Then where both meet, the Government is like to endure. Which I humbly pray, and hope GOD will please to make the Lot of this of Pensilvania. Amen.

WILLIAM PENN.

The FRAME, &c.

TO ALL PEOPLE, To whom these Presents shall come. WHEREAS King CHARLES the Second, by his Letters Patents, under the great Seal of England, for the Consideration therein mentioned, hath been graciously pleased to give and grant unto me William Penn (by the Name of William Penn, Esq; Son and Heir of Sir William

Penn deceased) and to my Heirs and Assigns for ever, all that Tract of Land, or Province called Pensilvania, in America, with divers great Powers, Preheminences, Royalties, Jurisdictions, and Authorities, necessary for the Well-being and Government thereof: NOW KNOW YE, That for the Well-being and Government of the said Province, and for the Encouragement of all the Freemen and Planters that may be therein concerned, in Pursuance of the Powers afore-mentioned, I the said William Penn have declared, granted and confirmed, and by these Presents, for me, my Heirs and Assigns, do declare, grant and confirm unto all the Freemen, Planters and Adventurers, of, in and to the said Province, these Liberties, Franchises, and Properties, to be held, enjoyed and kept by the Freemen, Planters and Inhabitants of the said Province of Pensilvania for ever.

IMPRIMIS.

THAT the Government of this Province shall, according the Powers of the Patent, consist of the Governor and Freemen of the said Province, in Form of a Provincial Council and General Assembly, by whom all Laws shall be made, Officers chosen, and publick Affairs transacted, as is hereafter respectively declared. That is to say,

II.

THAT the Freemen of the said Province shall on the twentieth Day of the twelfth Month, which shall be in this present Year One Thousand Six Hundred Eighty and Two, meet and assemble in some fit Place, of which timely Notice shall be beforehand given by the Governor or his Deputy, and then and there shall chuse out of themselves SEVENTY-TWO Persons of most Note for their Wisdom, Virtue, and Ability, who shall meet on the tenth Day of the first Month next ensuing, and always be called and act as the provincial Council of the said Province.

III.

THAT at the first Choice of such provincial Council, one third part of the said provincial Council shall be chosen to serve for three Years then next ensuing, one third part for two Years then next ensuing, and one third part for one Year then next following such Election, and no longer; and that the said third part shall go out accordingly: And on the twentieth Day of the twelfth Month as aforesaid, yearly for ever afterward, the Freemen of the said Province shall in like Manner meet and assemble together, and then chuse TWENTY-FOUR Persons, being

one third of the said Number, to serve in provincial Council for three Years: It being intended, that one third part of the whole provincial Council (always consisting, and to consist of seventy-two Persons, as aforesaid) falling off yearly, it shall be yearly supplied by such new yearly Elections, as aforesaid; and that no one Person shall continue therein longer than three Years: And in case any Member shall decease before the last Election during his Time, that then at the next Election ensuing his Decease, another shall be chosen to supply his Place for the remaining Time he was to have served, and no longer.

IV.

THAT after the first seven Years, every one of the said third parts that goeth yearly off, shall be uncapable of being chosen again for one whole Year following: That so all may be fitted for Government, and have Experience of the Care and Burden of it.

V.

THAT the provincial Council in all Cases and Matters of Moment, as their arguing upon Bills to be past into Laws, erecting Courts of Justice, giving Judgment upon Criminals impeached, and Choice of Officers, in such Manner as is herein after-mentioned;

not less than two-thirds of the whole provincial Council shall make a Quorum; and that the Consent not Approbation of two-thirds of such Quorum shall be had in all such Cases and Matters of Moment. And moreover, that in all Cases and Matters of lesser Moment, twenty-four Members of the said provincial Council shall make a Quorum, the Majority of which twenty-four shall and may always determine on such Cases and Causes of lesser Moment.

VI.

THAT in this provincial Council the Governor, or his Deputy, shall or may always preside, and have a treble Voice; and the said provincial Council shall always continue and sit upon its own Adjournments and Committees.

VII.

THAT the Governor and provincial Council shall prepare and propose to the general Assembly hereafter mentioned, all Bills, which they shall at any Time think fit to be passed into Laws within the said Province; which Bills shall be published and affixed to the most noted Places in the inhabited Parts thereof, thirty Days before the Meeting of the general Assembly, in order to the passing them into Laws, or rejecting of them, as the general Assembly shall see meet.

VIII.

THAT the Governor and provincial Council shall take care, that all Laws, Statutes and Ordinances, which shall at any Time be made within the said Province, be duly and diligently executed.

IX.

THAT the Governor and provincial Council shall at all Times have the Care of the Peace and Safety of the Province, and that nothing be by any Person attempted to the Subversion of this Frame of Government.

X.

THAT the Governor and provincial Council shall at all Times settle and order the Situation of all Cities, Ports, and Market-Towns in every County, modelling therein all publick Buildings, Streets, and Market-Places, and shall appoint all necessary Roads and Highways in the Province.

XI.

THAT the Governor and provincial Council shall at all Times have Power to inspect the Management of the publick Treasury, and punish those who shall convert any Part thereof to any other Use, than what hath been agreed upon by the Governor, provincial Council, and general Assembly.

XII.

THAT the Governor and provincial Council shall erect and order all publick Schools, and encourage and reward the Authors of useful Sciences and laudable Inventions in the said Province.

XIII.

THAT for the better Management of the Powers and Trust aforesaid, the provincial Council shall from time to time divide itself into four distinct and proper Committees, for the more easy Administration of the Affairs of the Province, which divides the Seventy-two into four Eighteens, every one of which Eighteens shall consist of six out of each of the three Orders or yearly Elections, each of which shall have a distinct Portion of Business, as followeth: First, a Committee of Plantations, to situate and settle Cities, Ports, and Market-Towns, and Highways, and to hear and decide all Suits and Controversies relating to Plantations. Secondly, a Committee of Justice and Safety, to secure the Peace of the Province, and punish the Male-Administration of those who subvert Justice to the Prejudice of the publick or private Interest. Thirdly, a Committee of Trade and Treasury, who shall regulate all Trade and Commerce according to Law, encourage Manufacture and Country-Growth, and defray

the publick Charge of the Province. And Fourthly, a Committee of Manners, Education, and Arts, that all wicked and scandalous Living may be prevented, and that Youth may be successively trained up in Virtue and useful Knowledge and Arts: The Quorum of each of which Committees being six, that is, two out of each of the three Orders or yearly Elections, as aforesaid, make a constant and standing Council of TWENTY-FOUR, which will have the Power of the provincial Council, being the Quorum of it, in all Cases not excepted in the fifth Article; and in the said Committees and standing Council of the Province, the Governor or his Deputy shall or may preside, as aforesaid; and in the Absence of the Governor or his Deputy, if no one is by either of them appointed, the said Committees or Council shall appoint a President for that Time, and not otherwise; and what shall be resolved at such Committees, shall be reported to the said Council of the Province, and shall be by them resolved and confirmed before the same shall be put in Execution; and that these respective Committees shall not sit at one and the same Time, except in Cases of Necessity.

XIV.

AND, to the End that all Laws prepared by the Governor and provincial Council afore-

said, may yet have the more full Concurrence of the Freemen of the Province, it is declared, granted, and confirmed, That at the Time and Place or Places for the Choice of a provincial Council as aforesaid, the said Freemen shall yearly chuse Members to serve in a general Assembly as their Representatives, not exceeding two hundred Persons, who shall yearly meet from the twentieth Day of the second Month, which shall be in the Year One Thousand Six Hundred Eighty and Three following, in the capital Town or City of the said Province, where during eight Days the several Members may freely confer with one another; and, if any of them see meet, with a Committee of the provincial Council (consisting of three out of each of the four Committees aforesaid, being twelve in all) which shall be at that Time, purposely appointed to receive from any of them Proposals for the Alterations or Amendment of any of the said proposed and promulgated Bills: And on the ninth Day from their so meeting, the said general Assembly, after Reading over the proposed Bills by the Clerk of the provincial Council, and the Occasions and Motives for them being opened by the Governor or his Deputy, shall give their Affirmative or Negative, which to them seemeth best, in such Manner as herein after is express'd. But not less than two-thirds shall

make a Quorum in the Passing of Laws, and Choice of such Officers as are by them to be chosen.

XV.

THAT the Laws so prepared and proposed as aforesaid, that are assented to by the general Assembly, shall be enrolled as Laws of the Province, with this Stile: By the Governor, with the Assent and Approbation of the Freemen in provincial Council and general Assembly.

XVI.

THAT, for the better Establishment of the Government and Laws of this Province, and to the End there may be an universal Satisfaction in the Laying of the Fundamentals thereof; the general Assembly shall, or may for the first Year, consist of all the Freemen of and in the said Province, and ever after it shall be yearly chosen as aforesaid; which Number of two hundred shall be enlarged as the Country shall encrease in People, so as it do not exceed five hundred at any Time: The Appointment and Proportioning of which, as also the Laying and Methodizing of the Choice of the provincial Council and general Assembly in future Times, most equally to the Divisions of the Hundreds and Counties, which the Country shall hereafter be divided into, shall be in

the Power of the provincial Council to propose, and the general Assembly to resolve.

XVII.

THAT the Governor and the provincial Council shall erect from time to time standing Courts of Justice, in such Places and Number as they shall judge convenient for the good Government of the said Province. And that the provincial Council shall on the thirteenth Day of the first Month yearly, elect and present to the Governor or his Deputy, a double Number of Persons, to serve for Judges, Treasurers, Masters of Rolls, within the said Province for the Year next ensuing; and the Freemen of the said Province in the County-Courts, when they shall be erected, and till then in the general Assembly, shall on the three and twentieth Day of the second Month yearly, elect and present to the Governor or his Deputy, a double Number of Persons to serve for Sheriffs, Justices of the Peace, and Coroners, for the Year next ensuing; out of which respective Elections and Presentments, the Governor or his Deputy shall nominate and commissionate the proper Number for each Office the third Day after the said Presentments; or else the first named in such Presentment for each Office, shall stand and serve for that Office the Year ensuing.

XVIII.

BUT forasmuch as the present Condition of the Province requires some immediate Settlement, and admits not of so quick a Revolution of Officers; and to the End the said Province may, with all convenient Speed, be well ordered and settled, I William Penn do therefore think fit to nominate and appoint such Persons for Judges, Treasurers, Masters of the Rolls, Sheriffs, Justices of the Peace, and Coroners, as are most fitly qualified for those Employments; to whom I shall make and grant Commissions for the said Officers, respectively, to hold to them to whom the same shall be granted, for so long Time as every such Person shall well behave himself in the Office or Place to him respectively granted, and no longer. And upon the Decease or Displacing of any of the said Officers, the succeeding Officer or Officers shall be chosen as aforesaid.

XIX.

THAT the general Assembly shall continue so long as may be needful to impeach Criminals fit to be there impeached, to pass Bills into Laws that they shall think fit to pass into Laws, and till such Time as the Governor and provincial Council shall declare that they have nothing further to propose unto

them for their Assent and Approbation: And that Declaration shall be a Dismiss to the general Assembly for that time; which general Assembly shall be notwithstanding capable of assembling together upon the Summons of the provincial Council, at any Time during that Year, if the said provincial Council shall see Occasion for their so assembling.

XX.

THAT all the Elections of Members or Representatives of the People to serve in provincial Council and general Assembly, and all Questions to be determined by both or either of them, that relate to passing of Bills into Laws, to the Choice of Officers, to Impeachments made by the general Assembly, and Judgment of Criminals upon such Impeachments by the provincial Council, and to all other Cases by them respectively judged of Importance, shall be resolved and determined by the Ballot; and unless on sudden and indispensible Occasions, no Business in provincial Council, or its respective Committees, shall be finally determined the same Day that it is moved.

XXI.

THAT at all times, when, and so often as it shall happen that the Governor shall or may be an Infant under the Age of one and twenty Years, and no Guardians or Commis-

sioners are appointed in Writing by the Father of the said Infant, or that such Guardians or Commissioners shall be deceased; that during such Minority, the provincial Council shall from Time to Time, as they shall see meet, constitute and appoint Guardians or Commissioners, not exceeding three; one of which three shall preside as Deputy and chief Guardian, during such Minority, and shall have, and execute, with the Consent of the other two, all the Power of a Governor, in all the publick Affairs and Concerns of the said Province.

XXII.

THAT as often as any Day of the Month mentioned in any Article of this Charter, shall fall upon the first Day of the Week, commonly called the Lord's Day, the Business appointed for that Day shall be deferred till the next Day, unless in case of Emergency.

XXIII.

THAT no Act, Law, or Ordinance whatsoever, shall at any time hereafter be made or done by the Governor of this Province, his Heirs or Assigns, or by the Freemen in the provincial Council, or the general Assembly, to alter, change or diminish the Form or Effect of this Charter, or any Part or Clause thereof, or contrary to the true Intent and

Meaning thereof, without the Consent of the Governor, his Heirs or Assigns, and six Parts of seven of the said Freemen in provincial Council and general Assembly.

XXIV.

AND LASTLY, That I the said William Penn, for myself, my Heirs, and Assigns, have solemnly declared, granted, and confirmed, and do hereby solemnly declare, grant, and confirm, That neither I, my Heirs nor Assigns, shall procure or do any Thing or Things, whereby the Liberties in this Charter contained and expressed shall be infringed or broken; and if any Thing be procured by any Person or Persons contrary to these Premisses, it shall be held of no Force or Effect. In WITNESS whereof, I the said William Penn have unto this present Charter of Liberties set my Hand and broad Seal, this five and twentieth Day of the second Month, vulgarly called April, in the Year of our LORD One Thousand Six Hundred and Eighty-two.

WILLIAM PENN.

LAWS agreed upon in England, &c.

I.

THAT the Charter of Liberties, declared, granted, and confirmed the five and twentieth Day of the second Month, called April, 1682, before divers Witnesses, by William Penn, Governor and chief Proprietor of Pensilvania, to all the Freemen and Planters of the said Province; is hereby declared and approved, and shall be for ever held for Fundamental in the Government thereof, according to the Limitations mentioned in the said Charter.

II.

THAT every Inhabitant in the said Province, that is or shall be a Purchaser of one hundred Acres of Land, or upwards, his Heirs and Assigns, and every Person who shall have paid his Passage, and taken up one hundred Acres of Land at one Penny an Acre, and have cultivated ten Acres thereof; and every Person that hath been a Servant or Bondsman, and is free by his Service, that shall have taken up his fifty Acres of Land, and cultivated twenty thereof; and every Inhabitant, Artificer, or other Resident in the said Province, that pays Scot and Lot to the Government, shall be deemed and accounted

a Freeman of the said Province: And every such Person shall and may be capable of electing, or being elected Representatives of the People in provincial Council or general Assembly in the said Province.

III.

THAT all Elections of Members, or Representatives of the People and Freemen of the Province of Pensilvania, to serve in provincial Council or general Assembly to be held within the said Province, shall be free and voluntary: And that the Elector, that shall receive any Reward or Gift, in Meat, Drink, Monies, or otherwise, shall forfeit his Right to elect; and such Person as shall directly or indirectly give, promise, or bestow any such Reward as aforesaid, to be elected, shall forfeit his Election, and be thereby incapable to serve as aforesaid: And the provincial Council and general Assembly shall be the sole Judges of the Regularity or Irregularity of the Elections of their own respective Members.

IV.

THAT no Money or Goods shall be raised upon, or paid by any of the People of this Province by way of publick Tax, Custom, or Contribution, but by a Law for that Purpose made; and whosoever shall levy, collect, or pay any Money or Goods contrary thereunto,

shall be held a publick Enemy to the Province, and a Betrayer of the Liberties of the People thereof.

V.

THAT all Courts shall be open, and Justice shall neither be sold, denied, nor delayed.

VI.

THAT in all Courts, all Persons of all Persuasions may freely appear in their own Way, and according to their own Manner, and there personally plead their own Cause themselves; or if unable, by their Friend: And the first Process shall be the Exhibition of the Complaint in Court, fourteen Days before the Trial; and that the Party complained against may be fitted for the same, he or she shall be summoned, no less than ten Days before, and a Copy of the Complaint delivered him or her, at his or her Dwelling-house. But before the Complaint of any Person be received, he shall solemnly declare in Court, That he believes in his Conscience his Cause is just.

VII.

THAT all Pleadings, Processes, and Records in Court shall be short, and in English, and in an ordinary and plain Character, that they may be understood, and Justice speedily administered.

VIII.

THAT all Trials shall be by twelve Men, and as near as may be, Peers or Equals, and of the Neighbourhood, and Men without just Exception in Cases of Life, there shall be first twenty-four returned by the Sheriffs for a Grand Inquest, of whom twelve at least shall find the Complaint to be true; and then the twelve Men, or Peers, to be likewise returned by the Sheriff, shall have the final Judgment. But reasonable Challenges shall be always admitted against the said twelve Men, or any of them.

IX.

THAT all Fees in all Cases shall be moderate, and settled by the provincial Council and general Assembly, and be hung up in a Table in every respective Court; and whosoever shall be convicted of taking more, shall pay two-fold, and be dismissed his Employment, one Moiety of which shall go to the Party wronged.

X.

THAT all Prisons shall be Work-houses for Felons, Vagrants, and loose and idle Persons; whereof one shall be in every County.

XI.

THAT all Prisoners shall be bailable by sufficient Sureties, unless for capital

Offences, where the Proof is evident, or the Presumption great.

XII.

THAT all Persons wrongfully imprisoned or prosecuted at Law, shall have double Damages against the Informer or Prosecutor.

XIII.

THAT all Prisons shall be free as to Fees, Food, and Lodging.

XIV.

THAT all Lands and Goods shall be liable to pay Debts, except where there is legal Issue, and then all the Goods, and one third of the Land only.

XV.

THAT all Wills in Writing attested by two Witnesses, shall be of the same Force, as to Lands, as other Conveyances, being legally proved within forty Days, either within or without the said Province.

XVI.

THAT seven Years' quiet Possession shall give an unquestionable Right, except in Cases of Infants, Lunaticks, married Women, or Persons beyond the Seas.

XVII.

THAT all Briberies and Extortions whatsoever, shall be severely punished.

XVIII.

THAT all Fines shall be moderate, and saving Mens Contenements, Merchandize, or Wainage.

XIX.

THAT all Marriages (not forbidden by the Law of God, as to Nearness of Blood and Affinity by Marriage) shall be encouraged; but the Parents or Guardians shall be first consulted, and the Marriage shall be published before it be solemnized; and it shall be solemnized by taking one another as Husband and Wife, before credible Witnesses, and a Certificate of the whole, under the Hands of Parties and Witnesses, shall be brought to the proper Register of that County, and shall be registred in his Office.

XX.

AND to prevent Frauds and vexatious Suits within the said Province, that all Charters, Gifts, Grants, and Conveyances of Land, (except Leases for a Year or under) and all Bills, Bonds, and Specialties above five Pounds, and not under three Months, made

in the said Province, shall be enrolled or registred in the publick Enrolment-Office of the said Province, within the Space of two Months next after the Making thereof, else to be void in Law. And all Deeds, Grants, and Conveyances of Land (except as aforesaid) within the said Province, and made out of the said Province, shall be enrolled or registred as aforesaid, within six Months next after the Making thereof, and settling and constituting an Enrolment-Office or Registry within the said Province, else to be void in Law against all Persons whatsoever.

XXI.

THAT all Defacers or Corrupters of Charters, Gifts, Grants, Bonds, Bills, Wills, Contracts, and Conveyances, or that shall deface or falsify any Enrolment, Registry or Record within this Province, shall make double Satisfaction for the same; half whereof shall go to the Party wronged, and they shall be dismissed of all Places of Trust, and be publickly disgraced as false Men.

XXII.

THAT there shall be a Register for Births, Marriages, Burials, Wills, and Letters of Administration, distinct from the other Registry.

XXIII.

THAT there shall be a Register for all Servants, where their Names, Time, Wages, and Days of Payment shall be registred.

XXIV.

THAT all Lands and Goods of Felons shall be liable to make Satisfaction to the Party wronged twice the Value; and for Want of Lands or Goods, the Felons shall be Bondmen to work in the common Prison or Work-house, or otherwise, till the Party injured be satisfied.

XXV.

THAT the Estates of capital Offenders, as Traitors and Murderers, shall go one third to the next of kin to the Sufferer, and the Remainder to the next of kin to the Criminal.

XXVI.

THAT all Witnesses, coming or called to testify their Knowledge in or to any Matter or Thing in any Court, or before any lawful Authority within the said Province, shall there give or deliver in their Evidence or Testimony by solemnly promising to speak the Truth, the whole Truth, and nothing but the Truth, to the Matter or Thing in Ques-

tion. And in case any Person so called to Evidence, shall be convicted of wilful Falshood, such Person shall suffer and undergo such Damage or Penalty, as the Person or Persons against whom he or she bore false Witness, did or should undergo; and shall also make Satisfaction to the Party wronged, and be publickly exposed as a false Witness, never to be credited in any Court, or before any Magistrate in the said Province.

XXVII.

AND to the end that all Officers chosen to serve within this Province may with more Care and Diligence answer the Trust reposed in them, it is agreed, That no such Person shall enjoy more than one publick Office at one Time.

XXVIII.

THAT all Children within this Province of the Age of twelve Years, shall be taught some useful Trade or Skill, to the end none may be idle, but the Poor may work to live, and the Rich, if they become poor, may not want.

XXIX.

THAT Servants be not kept longer than their Time, and such as are careful, be both justly and kindly used in their Service, and put in fitting Equipage at the Expiration thereof, according to Custom.

XXX.

THAT all scandalous and malicious Reporters, Backbiters, Defamers, and Spreaders of false News, whether against Magistrates or private Persons, shall be accordingly severely punished, as Enemies to the Peace and Concord of this Province.

XXXI.

THAT for the Encouragement of the Planters and Traders in this Province, who are incorporated into a Society, the Patent granted to them by William Penn, Governor of the said Province, is hereby ratified and confirmed.

XXXII.

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XXXIII.

THAT all Factors or Correspondents in the said Province, wronging their Employers, shall make Satisfaction and one third over, to their said Employers: And in case of the Death of any such Factor or Correspondent, the Committee of Trade shall take care to secure so much of the deceased Party's Estate, as belongs to his said respective Employers.

XXXIV.

THAT all Treasurers, Judges, Masters of the Rolls, Sheriffs, Justices of the Peace, and other Officers and Persons whatsoever, relating to Courts or Trials of Causes, or any other Service in the Government; and all Members elected to serve in provincial Council and general Assembly, and all that have Right to elect such Members, shall be such as profess Faith in Jesus Christ, and that are not convicted of ill Fame, or unsober and dishonest Conversation, and that are of twenty-one Years of Age at least; and that all such so qualified, shall be capable of the said several Employments and Privileges as aforesaid.

XXXV.

THAT all Persons living in this Province, who confess and acknowledge the one Almighty and Eternal God, to be the Creator, Upholder and Ruler of the World; and that hold themselves obliged in Conscience to live peaceably and justly in civil Society, shall in no Ways be molested or prejudiced for their religious Persuasion or Practice in Matters of Faith and Worship, nor shall they be compell'd at any Time to frequent or maintain any religious Worship, Place or Ministry whatever.

XXXVI.

THAT according to the good Example of the primitive Christians, and the Ease of the Creation, every first Day of the Week, called the Lord's Day, People shall abstain from their common daily Labour, that they may the better dispose themselves to worship God according to their Understandings.

XXXVII.

THAT as a careless and corrupt Administration of Justice draws the Wrath of God upon Magistrates, so the Wildness and Looseness of the People provoke the Indignation of God against a Country: Therefore, That all such Offences against God, as Swearing, Cursing, Lying, prophane Talking, Drunkenness, Drinking of Healths, obscene Words, Incest, Sodomy, Rapes, Whoredom, Fornication, and other Uncleanness (not to be repeated), all Treasons, Misprisons, Murders, Duels, Felony, Sedition, Maims, forcible Entries, and other Violences, to the Persons and Estates of the Inhabitants within this Province. All Prizes, Stage-plays, Cards, Dice, Maygames, Gamesters, Masques, Revels, Bull-baitings, Cock-fightings, Bear-baitings, and the like, which excite the People to Rudeness, Cruelty, Looseness, and

Irreligion, shall be respectively discouraged and severely punish'd, according to the Appointment of the Governor and Freemen in provincial Council and general Assembly; as also all Proceedings contrary to these Laws, that are not here made expressly penal.

XXXVIII.

THAT a Copy of these Laws shall be hung up in the provincial Council, and in publick Courts of Justice: And that they shall be read yearly at the Opening of every provincial Council and general Assembly, and Court of Justice; and their Assent shall be testified, by their standing up after the Reading thereof.

XXXIX.

THAT there shall be at no time any Alteration of any of these Laws, without the Consent of the Governor, his Heirs or Assigns, and six Parts of seven of the Freemen, met in provincial Council and general Assembly.

XL.

THAT all other Matters and Things not herein provided for, which shall and may concern the publick Justice, Peace or Safety of the said Province; and the raising and imposing Taxes, Customs, Duties, or other Charges whatsoever, shall be and are hereby referred

to the Order, Prudence and Determination of the Governor and Freemen in provincial Council and general Assembly, to be held from time to time in the said Province.

Signed and Sealed by the Governor and Freemen aforesaid, the fifth Day of the third Month, called May, One Thousand Six Hundred and Eighty-Two.

Certain Conditions or Concessions agreed upon by WILLIAM PENN, *Proprietor and Governor of the Province of Pensilvania, and those who are the Adventurers and Purchasers in the same Province, the Eleventh of July, One Thousand Six Hundred and Eighty-one.*

FIRST.

THAT so soon as it pleaseth God, that the abovesaid Persons arrive there, a certain Quantity of Land or Ground Plat, shall be laid out for a large Town or City, in the most convenient Place upon the River for Health and Navigation; and every Purchaser and Adventurer, shall by Lot have so much Land therein as will answer to the Porportion which he hath bought or taken up upon Rent: But it is to be noted, that the Surveyors shall

consider what Roads or Highways will be necessary to the Cities, Towns, or thro' the Lands. Great Roads from City to City shall not contain less than forty Foot in Breadth, and shall be first laid out and declared to be for Highways, before the Dividend of Acres be laid out for the Purchaser; and the like Observation to be had for the Streets in the Towns and Cities, that there may be convenient Roads and Streets preserved, not to be incroached upon by any Planter or Builder, that none may build irregularly to the Damage of another. In this, Custom governs.

II.

THAT the Land in the Town be laid out together after the Proportion of ten thousand Acres of the whole Country, that is, two hundred Acres if the Place will bear it: However, that the Proportion be by Lot, and entire, so as those that desire to be together, especially those that are by the Catalogue laid together, may be so laid together both in the Town and Country.

III.

THAT when the Country-Lots are laid out, every Purchaser, from one thousand to ten thousand Acres, or more, not to have above one thousand Acres together, unless in three

Years they plant a Family upon every thousand Acres; but that all such as purchase together, lie together; and if as many as comply with this Condition, that the whole be laid out together.

IV.

THAT where any Number of Purchasers, more or less, whose Number of Acres amounts to five or ten thousand Acres, desire to sit together in a Lot or Township, they shall have their Lot or Township cast together, in such Places as have convenient Harbours or navigable Rivers attending it, if such can be found; and in case any one or more Purchasers plant not according to Agreement in this Concession, to the Prejudice of others of the same Township, upon Complaint thereof made to the Governor or his Deputy, with Assistance, they may award (if they see Cause) that the complaining Purchaser may, paying the Survey-Money, and Purchase-Money, and Interest thereof, be entitled, inrolled and lawfully invested in the Lands so not seated.

V.

THAT the Proportion of Lands that shall be laid out in the first great Town or City, for every Purchaser, shall be after the Proportion of ten Acres for every five hundred Acres purchased, if the Place will allow it.

VI.

THAT notwithstanding there be no mention made, in the several Deeds made to the Purchasers, yet the said William Penn does accord and declare, that all Rivers, Rivulets, Woods and Underwoods, Waters, Watercourses, Quarries, Mines and Minerals (except Mines Royal) shall be freely and fully enjoyed, and wholly by the Purchasers, into whose Lot they fall.

VII.

THAT for every fifty Acres that shall be allotted to a Servant at the End of his Service, his Quit-Rent shall be two Shillings per Annum, and the Master or Owner of the Servant, when he shall take up the other fifty Acres, his Quit-Rent shall be four Shillings by the Year, or if the Master of the Servant (by Reason in the Indentures he is so obliged to do) allot out to the Servant fifty Acres in his own Division, the said Master shall have on Demand allotted him, from the Governor, the one hundred Acres at the chief Rent of six Shillings per Annum.

VIII.

AND for the Encouragement of such as are ingenious and willing to search out Gold and Silver Mines in this Province, it is here-

by agreed, that they have Liberty to bore and dig in any Man's Property, fully paying the Damage done; and in case a Discovery should be made, that the Discoverer have one fifth, the Owner of the Soil (if not the Discoverer) a tenth Part, the Governor two fifths, and the rest to the publick Treasury, saving to the King the Share reserved by Patent.

IX.

IN every hundred thousand Acres, the Governor and Proprietary, by Lot, reserveth ten to himself, what shall lie but in one Place.

X.

THAT every Man shall be bound to plant or man so much of his Share of Land as shall be set out and surveyed, within three Years after it is so set out and surveyed, or else it shall be lawful for new Comers to be settled thereupon, paying to them their Survey-Money, and they go up higher for their Shares.

XI.

THERE shall be no buying and selling, be it with an Indian, or one among another, of any Goods to be exported, but what shall be performed in publick Market, when such Places shall be set apart or erected, where they shall pass the publick Stamp or Mark. If bad Ware, and prized as good, or deceitful

in Proportion or Weight, to forfeit the Value as of good and full Weight and Proportion, to the publick Treasury of the Province, whether it be the Merchandize of the Indian, or that of the Planters.

XII.

AND FORASMUCH as it is usual with the Planters, to over-reach the poor Natives of the Country in Trade, by Goods not being good of the Kind, or debased with Mixtures, with which they are sensibly aggrieved, it is agreed, whatever is sold to the Indians, in Consideration of their Furs, shall be sold in the Market-Place, and there suffer the Test, whether good or bad; if good, to pass; if not good, not to be sold for good, that the Natives may not be abused nor provoked.

XIII.

THAT no Man shall by any Ways or Means, in Word or Deed, affront or wrong any Indian, but he shall incur the same Penalty of the Law, as if he had committed it against his Fellow-Planter; and if any Indian shall abuse, in Word or Deed, any Planter of this Province, that he shall not be his own Judge upon the Indian, but he shall make his Complaint to the Governor of the Province, or his Lieutenant or Deputy, or some inferior Magistrate near him, who shall,

to the utmost of his Power, take Care with the King of the said Indian, that all reasonable Satisfaction be made to the said injured Planter.

XIV.

THAT all Differences between the Planters and the Natives, shall also be ended by twelve Men, that is, by six Planters and six Natives, that so we may live friendly together as much as in us lieth, preventing all Occasions of Heart-burnings and Mischief.

XV.

THAT the Indians shall have Liberty to do all Things relating to the Improvement of their Ground, and providing Sustenance for their Families, that any of the Planters shall enjoy.

XVI.

THAT the Laws as to Slanders, Drunkenness, Swearing, Cursing, Pride in Apparel, Trespasses, Distresses, Replevins, Weights and Measures, shall be the same as in England, till altered by Law in this Province.

XVII.

THAT all shall mark their Hogs, Sheep and other Cattle, and what are not marked within three Months after it is in their Possession, be it young or old, it shall be forfeited to the Governor, that so People may be

compelled to avoid the Occasions of much Strife between Planters.

XVIII.

THAT in clearing the Ground, Care be taken to leave one Acre of Trees for every five Acres clear'd, especially to preserve Oak and Mulberries for Silk and Shipping.

XIX.

THAT all Ship-Masters shall give an Account of their Countries, Names, Ships, Owners, Freights and Passengers, to an Officer to be appointed for that Purpose, which shall be registred within two Days after their Arrival; and if they shall refuse so to do, that then none presume to trade with them, upon Forfeiture thereof; and that such Masters be looked upon, as having an evil Intention to the Province.

XX.

THAT no Person leave the Province, without Publication being made thereof, in the Market-Place, three Weeks before, and a Certificate from some Justice of the Peace, of his Clearness with his Neighbours, and those he hath dealt withal, so far as such an Assurance can be attained and given: And if any Master of a Ship shall, contrary hereunto, receive and carry away any Person, that hath not given that publick Notice, the said Mas-

ter shall be liable to all Debts owing by the said Person, so secretly transported from the Province. Lastly, that these are to be added to, or corrected, by and with the Consent of the Parties hereunto subscribed.

WILLIAM PENN.

Sealed and delivered in
the Presence of
William Boelham,
Harbert Springet,
Thomas Prudyard.

Sealed and delivered in the Presence of all the Proprietors who have hereunto subscribed, except Thomas Farrinborrough and John Goodson, in the Presence of

Hugh Chamberlen, William Powel,
R. Murray, Richard Davie,
Harbert Springet, Griffith Jones,
Humphry South, Hugh Lambe,
Thomas Barker, Thomas Farrinborrough,
Samuel Jobson, John Goodson.
John-Joseph Moore,

An ACT of Settlement, made at Chester, 1682.

WHEREAS WILLIAM PENN, Proprietary and Governor of the Province of Pensylvania, and Territories thereunto belonging, hath, out of his great Kindness and

Goodness to the Inhabitants thereof, been favourably pleased to give and grant unto them a Charter of Liberties and Privileges, dated the twenty-fifth Day of the second Month, One Thousand Six Hundred and Eighty-two: By which Charter it is said, the Government shall consist of the Governor and Freemen of the said Province, in the Form of a provincial Council and general Assembly; and that the provincial Council shall consist of seventy-two Members, to be chosen by the Freemen; and that the general Assembly may, the first Year, consist of the whole Body of the Freeholders, and ever after of an elected Number, not exceeding two hundred Persons, without the Consent of the provincial Council and general Assembly: And such Assembly to sit yearly on the twentieth Day of the third Month, as in the first, second, third, sixth, fourteenth and sixteenth Articles of the Charter, Reference being thereunto had, doth more at large appear.

AND FORASMUCH as this Charter was the first of those probationary Laws, that were agreed to and made by and between the Proprietary, and Governor, and Freemen in England, that were Purchasers in this Province, which said Laws, in the whole and in every Part thereof, were to be submitted to the Explanation and Confirmation of the first provincial Council and general Assembly

that was to be held in this Province, as by the Title and first Law of the said Agreement, doth plainly appear.

AND WHEREAS, the Proprietary and Governor hath, according to that Charter, issued out Writs to the respective Sheriffs of the six Counties of this Province, to summon the Freemen thereof, to chuse in each County twelve Persons of most Note for their Sobriety, Wisdom, and Integrity, to serve in provincial Council; and also to inform the Freemen that they might come, for this Time, in their own Persons, to make up a general Assembly, according to Charter. And that the said respective Sheriffs by their Returns, and the Freemen by their Petitions to the Proprietary and Governor, have plainly declared, that the Fewness of the People, their Inability in Estate, and Unskilfulness in Matters of Government, will not permit them to serve in so large a Council and Assembly, as by the Charter is expressed; and therefore do desire, that the Members now chosen to be their Deputies and Representatives, may serve both for provincial Council and general Assembly; that is to say, three out of each County for the provincial Council, and the remaining nine for the general Assembly, according to Act, as fully and amply as if the said provincial Council and general Assembly had consisted of the said Numbers of

Members mentioned in the Charter of Liberties, upon Consideration of the Premises; and that the Proprietary and Governor may testify his great Willingness to comply with that which may be most easy and pleasing, he is willing that it be enacted.

AND BE IT ENACTED by the Proprietary and Governor, by and with the unanimous Advice and Consent of the Freemen of this Province, and Territories thereunto belonging, in provincial Council and general Assembly met, That the Numbers desired by the Inhabitants in their several Petitions, and express'd to be their Desires by the Sheriffs' Returns to the Proprietary and Governor, to serve as the provincial Council and general Assembly, be allowed and taken, to all Intents and Purposes, to be the provincial Council and general Assembly of this Province: And that the Quorum shall be proportionably settled, according to the Method express'd in the fifth Article; that is to say, two thirds to make a Quorum in extraordinary Cases, and one third in ordinary Cases, as is provided in the said Article: Which said provincial Council and general Assembly, so already chosen, are and shall be held and reputed the legal provincial Council and general Assembly of the Province and Territories thereof, for this present Year; and that from and after the Expiration of this present Year,

the provincial Council shall consist of three Persons out of each County, as aforesaid; and the Assembly shall consist of six Persons out of each County, which said provincial Council and general Assembly may be hereafter enlarged, as the Governor and provincial Council and Assembly shall see Cause, so as the said Number do not, at any time, exceed the Limitations express'd in the third and sixteenth Article of the Charter, any Thing in this Act, or any other Act, Charter or Law, to the contrary in any wise notwithstanding.

AND because the Freemen of this Province and Territories thereof, are deeply sensible of the kind and good Intentions of the Proprietary and Governor in this Charter, and of the singular Benefit that redounds to them thereby, and are desirous that it may in all Things best answer the Design of the publick Good, the Freemen of the said provincial Council and general Assembly met, having unanimously requested some Variations, Explanations and Additions, in and to the said Charter, he the Proprietary and Governor, hath therefore yielded that it be enacted:

AND it is hereby ENACTED, That the Time for the Meeting of the Freemen of this Province and Territories thereof, to chuse their Deputies to represent and serve them, in provincial Council and general Assembly,

shall be yearly hereafter, on the tenth Day of the first Month, which Members so chosen for the provincial Council, shall make their Appearance, and give their Attendance, in provincial Council, within twenty Days after their Election; and the said Members elected to serve in general Assembly, shall yearly meet and assemble, on the tenth Day of the said third Month, to the End and Purposes declared in the Charter, at and in such Place as is limited in the said Charter, unless the Governor and provincial Council shall, at any time, see Cause to the contrary.

AND WHEREAS it is express'd in the said Charter, That the Governor and provincial Council shall prepare and propose to the general Assembly, all Bills which they shall think fit to pass into Laws, within the said Province: BE IT ENACTED by the Authority aforesaid, That the Governor and provincial Council, shall have the Power of preparing and proposing to the general Assembly, all Bills that they shall jointly assent to and think fit to have pass'd into Laws, in the said Province and Territories thereof, that are not inconsistent with, but according to the Powers granted by the King's Letters Patents to the Proprietary and Governor aforesaid; which Bills shall be published in the most noted Towns and Places in the said Province and Territories thereof,

twenty Days before the Meeting of the general Assembly aforesaid.

AND for the better Decision and Determination of all Matters and Questions upon Elections of Representatives, and Debates in provincial Council and general Assembly, It is hereby declared and ENACTED, &c. That all Questions upon Elections of Representatives, and Debates in provincial Council and general Assembly, in personal Matters, shall be decided by the Ballot; and all Questions about preparing and enacting Laws, shall be determined by the Vote.

AND that so united an Interest may have an united Term and Stile to be express'd by, It is hereby declared and ENACTED, That the general Assembly shall be henceforth termed or called THE ASSEMBLY; and the Meeting of the Governor, provincial Council, and Assembly, and their Acts and Proceedings shall be stiled and called THE MEETINGS, SESSIONS, ACTS or PROCEEDINGS of the GENERAL ASSEMBLY of the Province of Pensilvania, and the Territories thereunto belonging. And that the Freemen of this Province, and the Territories thereof, may not on their Part, seem unmindful or ungrateful to their Proprietary and Governor, for the Testimony he hath been pleased to give, of his great Good-Will towards them and theirs, nor be wanting of that Duty they owe to him and them-

selves, they have prayed Leave hereby to declare their most hearty Acceptance of the said Charter, and their humble Acknowledgments for the same, solemnly promising, that they will inviolably observe and keep the same, except as is therein excepted, and will neither directly nor indirectly contrive, propose, enact, or do any Thing or Things whatsoever, by Virtue of the Power thereby granted unto them, that shall or may redound to the Prejudice or Disadvantage of the Proprietary and Governor, his Heirs and Successors, in their just Rights, Properties and Privileges, granted to him and them by the King's Letters Patents, and Deeds of Release and Feoffment made to him by JAMES Duke of York and Albany, &c. and whom they desire may be hereby acknowledged and recognized the true and rightful Proprietaries and Governors of the Province of Pensylvania, and Territories annexed, according to the King's Letters Patents, and Deeds of Release and Feoffment from James, Duke of York and Albany, unto the said Proprietary and Governor, his Heirs and Successors; any Thing in this Act, or any other Act, Grant, Charter, or Law, to the contrary of these Things herein and hereby explained, altered, limited, promised, declared, and enacted, in any wise notwithstanding.

The FRAME of the Government of the Province of Pensylvania, and Territories thereunto annexed in America.

TO ALL PERSONS, To whom these Presents may come. WHEREAS King CHARLES the Second, by his Letters Patents, under the great Seal of England, bearing Date the fourth Day of March, in the thirty and third Year of the King, for divers Considerations therein mentioned, hath been graciously pleased to give and grant unto me William Penn (by the Name of William Penn, Esq; Son and Heir of Sir William Penn deceased) and to my Heirs and Assigns for ever, all that Tract of Land, or Province called Pensylvania, in America, with divers great Powers, Preheminences, Royalties, Jurisdictions, and Authorities, necessary for the Well-being and Government thereof.

AND WHEREAS the King's dearest Brother, James Duke of York and Albany, &c. by his Deeds of Feoffment, under his Hand Seal, duly perfected, bearing Date the four and twentieth Day of August, One Thousand Six Hundred Eighty and Two, did grant unto me, my Heirs and Assigns, all that Tract of Land, lying and being from twelve Miles Northward of Newcastle upon Delaware River, in America, to Cape Hinlopen,

upon the said River and Bay of Delaware Southward, together with all Royalties, Franchises, Duties, Jurisdictions, Liberties and Privileges thereunto belonging.

NOW KNOW YE, That the Well-being and good Government of the said Province and Territories thereunto annexed, and for the Encouragement of all the Freemen and Planters, that may be therein concerned, in Pursuance of the Rights and Powers aforementioned, I the said William Penn have declared, granted and confirmed, and by these Presents, for me, my Heirs and Assigns, do declare, grant and confirm unto all the Freemen, Planters and Adventurers of, in and to the said Province and Territories thereof, these Liberties, Franchises and Properties, so far as in me lieth, to be held, enjoyed and kept by the Freemen, Planters and Adventurers of and in the said Province of Pensylvania and Territories thereunto annexed, for ever.

IMPRIMIS.

THAT the Government of this Province and Territories thereof shall, from Time to Time, according to the Powers of the Patent and Deeds of Feoffment aforesaid, consist of the Proprietary and Governor, and Freemen of the said Province and Territories thereof, in Form of provincial Council and Assembly,

which provincial Council shall consist of eighteen Persons, being three out of each County, and which Assembly shall consist of thirty-six Persons, being six out of each County, Men of most Note for their Virtue, Wisdom and Ability, by whom all Laws shall be made, Officers chosen, and publick Affairs transacted, as is hereafter limited and declared.

II.

THERE being three Persons already chosen for every respective County of this Province and Territories thereof, to serve in the provincial Council, one of them for three Years, one for two Years, and one for one Year; and one of them being to go off yearly in every County; that on the tenth Day of the first Month yearly, for ever after, the Freemen of the said Province and Territories thereof shall meet together in the most convenient Place in every County of this Province and Territories thereof, then and there to chuse one Person, qualified as aforesaid, in every County, being one third of the Number to serve in provincial Council, for three Years; it being intended, that one third of the whole provincial Council, consisting and to consist of eighteen Persons, falling off yearly, it shall be yearly supplied with such yearly Elections, as aforesaid; and that one Person shall not continue in longer than three

Years; and in Case any Member shall decease before the last Election, during his Time, that then at the next Election ensuing his Decease, another shall be chosen to supply his Place for the remaining Time he was to have served, and no longer.

III.

THAT after the first seven Years, every one of the said third Parts that goeth yearly off, shall be incapable of being chosen again for one whole Year following, that so all that are capable and qualified as aforesaid, may be fitted for Government, and have a Share of the Care and Burthen of it.

IV.

THAT the provincial Council in all Cases and Matters of Moment, as their arguing upon Bills to be passed into Laws, or Proceedings about erecting of Courts of Justice, sitting in Judgment upon Criminals impeached, and Choice of Officers in such Manner as is herein after expressed, not less than two thirds of the whole shall make a Quorum; and that the Consent and Approbation of two thirds of that Quorum shall be had in all such Cases or Matters of Moment: And that in all Cases and Matters of lesser Moment, one third of the whole shall make a Quorum, the Majority of which shall and

may always determine in such Cases and Causes of lesser Moment.

V.

THAT the Governor and provincial Council, shall have the Power of preparing and proposing to the Assembly hereafter mentioned, all Bills which they shall see needful, and that shall at any Time be past into Laws within the said Province and Territories thereof, which Bills shall be published and affixed to the most noted Place in every County of this Province and Territories thereof, twenty Days before the Meeting of the Assembly, in order to passing them into Laws.

VI.

THAT the Governor and provincial Council shall take Care, that all Laws, Statutes, and Ordinances, which shall at any Time be made within the said Province and Territories, be duly and diligently executed.

VII.

THAT the Governor and provincial Council shall, at all Times, have the Care of the Peace and Safety of this Province and Territories thereof; and that nothing be by any Person attempted to the Subversion of this Frame of Government.

VIII.

THAT the Governor and provincial Council shall, at all Times, settle and order the Situation of all Cities and Market-towns in every County, modelling therein all publick Buildings, Streets, and Market-places; and shall appoint all necessary Roads and Highways in this Province and Territories thereof.

IX.

THAT the Governor and provincial Council shall, at all Times, have Power to inspect the Management of the publick Treasury, and punish those who shall convert any Part thereof to any other Use, than what hath been agreed upon by the Governor, provincial Council, and Assembly.

X.

THAT the Governor and provincial Council, shall erect and order all publick Schools, and encourage and reward the Authors of useful Sciences and laudable Inventions, in the said Province and Territories thereof.

XI.

THAT one third of the provincial Council residing with the Governor, shall with the Governor, from Time to Time, have the Care of the Management of all publick Affairs, re-

lating to the Peace, Justice, Treasury, and Improvement of the Province and Territories, and to the good Education of Youth, and Sobriety of the Manners of the Inhabitants therein, as aforesaid.

XII.

THAT the Governor or his Deputy, shall always preside in the provincial Council, and that he shall at no Time therein perform any publick Act of State whatsoever, that shall or may relate unto the Justice, Trade, Treasury, or Safety of the Province and Territories aforesaid, but by and with the Advice and Consent of the provincial Council thereof.

XIII.

AND to the End that all Bills prepared and agreed by the Governor and provincial Council, as aforesaid, may yet have the more full Concurrence of the Freemen of the Province and Territories thereof, it is declared, granted and confirmed, that at the Time and Place in every County, for the Choice of one Person to serve in provincial Council, as aforesaid, the respective Members thereof, at their said Meeting, shall yearly chuse out of themselves six Persons of most Note, for Virtue, Wisdom and Ability, to serve in Assembly, as their Representatives, who shall yearly meet on the tenth Day of the third Month,

in the capital Town or City of the said Province, unless the Governor and provincial Council shall think fit to appoint another Place to meet in, where, during eight Days, the several Members may confer freely with one another; and if any of them see meet, with a Committee of the provincial Council, which shall be at that Time purposely appointed, to receive from any of them, Proposals for the Alterations or Amendment of any of the said proposed and promulgated Bills; and on the ninth Day from their so meeting, the said Assembly, after their reading over of the proposed Bills, by the Clerk of the provincial Council, and the Occasions and Motives for them being opened by the Governor or his Deputy, shall, upon the Question by him put, give their Affirmative or Negative, which to them seemeth best, in such Manner as is hereafter expressed: But not less than two thirds shall make a Quorum in the passing of all Bills into Laws, and Choice of such Officers as are by them to be chosen.

XIV.

THAT the Laws so prepared and proposed as aforesaid, that are assented to by the Assembly, shall be enrolled as Laws of this Province and Territories thereof, with this Stile, By the Governor, with the Assent and Approbation of the Freemen in provincial

Council and Assembly met; and from henceforth, the Meetings, Sessions, Acts, and Proceedings of the Governor, provincial Council and Assembly, shall be stiled and called, The Meeting, Sessions, and Proceedings, of the general Assembly of the Province of Pensylvania, and the Territories thereunto belonging.

XV.

AND that the Representatives of the People in provincial Council and Assembly, may in after Ages bear some Proportion with the Increase and multiplying of the People, the Number of such Representatives of the People, may be from Time to Time increased and enlarged, so as at no Time the Number exceed seventy-two for the provincial Council, and two hundred for the Assembly; the Appointment and Proportion of which Number, as also the laying and methodizing of the Choice of such Representatives in future Time, most equally to the Division of the Country, or Number of the Inhabitants, is left to the Governor and provincial Council to propose, and the Assembly to resolve, so that the Order of Proportion be strictly observed, both in the Choice of the Council and the respective Committees thereof, viz. one third to go off and come in yearly.

XVI.

THAT from and after the Death of this present Governor, the provincial Council shall, together with the succeeding Governor, erect from Time to Time, standing Courts of Justice, in such Places and Number, as they shall judge convenient for the good Government of the said Province and Territories thereof; and that the provincial Council shall, on the thirteenth Day of the second Month then next ensuing, elect and present to the Governor or his Deputy, a double Number of Persons, to serve for Judges, Treasurers, and Masters of the Rolls, within the said Province and Territories, to continue so long as they shall well behave themselves in those Capacities respectively; and the Freemen of the said Province, in an Assembly met on the thirteenth Day of the third Month, yearly, shall elect and then present to the Governor or his Deputy, a double Number of Persons to serve for Sheriffs, Justices of the Peace and Coroners, for the Year next ensuing; out of which respective Elections and Presentments, the Governor or his Deputy, shall nominate and commissionate the proper Number for each Office, the third Day after the said respective Presentments; or else the first named in such Presentment for each Office as aforesaid, stall stand and

serve in that Office, the Time before respectively limited; and in Case of Death or Default, such Vacancy shall be supplied by the Governor and provincial Council in Manner aforesaid.

XVII.

THAT the Assembly shall continue so long as may be needful, to impeach Criminals fit to be there impeached, to pass such Bills into Laws as are proposed to them, which they shall think fit to pass into Laws; and till such Time as the Governor and provincial Council shall declare, That they have nothing further to propose unto them for their Assent and Approbation; and that Declaration shall be a Dismiss to the Assembly for that Time; which Assembly shall be notwithstanding, capable of assembling together, upon the Summons of the Governor and provincial Council, at any Time during that Year, if the Governor and provincial Council shall see Occasion for their so assembling.

XVIII.

THAT all the Elections of Members or Representatives of the People to serve in provincial Council and Assembly, and all Questions to be determined by both or either of them, that relate to Choice of Officers, and all or any other personal Matters, shall be re-

solved or determined by the Ballot; and all Things relating to the preparing and passing of Bills into Laws, shall be openly declared and resolved by the Vote.

XIX.

THAT at all Times when the Proprietary and Governor shall happen to be an Infant, and under the Age of one and twenty Years, and no Guardians or Commissioners are appointed in Writing, by the Father of the said Infant, or that such Guardian shall be deceased, that during such Minority, the provincial Council shall, from Time to Time, as they shall see meet, constitute and appoint Guardians and Commissioners not exceeding three, one of which shall preside as Deputy and chief Guardian during such Minority, and shall have and execute, with the Consent of one of the other two, all the Power of a Governor in all publick Affairs and Concerns of the said Province and Territories thereof, according to Charter; which said Guardian so appointed, shall also have the Care and Oversight of the Estate of the said Minor, and be yearly accountable and responsible for the same to the provincial Council, and the provincial Council to the Minor, when of Age, or to the next Heir, in case of the Minor's Death, for the Trust before expressed.

XX.

THAT as often as any Days of the Month mentioned in any Article of this Charter, shall fall upon the first Day of the Week, commonly called the Lord's-day, the Business appointed for that Day shall be deferred until the next Day, unless in Cases of Emergency.

XXI.

AND for the Satisfaction and Encouragement of all Aliens, I do give and grant, that if any Alien, who is or shall be a Purchaser, or who doth or shall inhabit in this Province or Territories thereof, shall decease at any Time before he can well be naturalized, his Right and Interest therein, shall notwithstanding descend to his Wife and Children, or other his Relations, be he Testate or Intestate, according to the Laws of this Province and Territories thereof in such Cases provided, in as free and ample Manner, to all Intents and Purposes, as if the said Alien had been naturalized.

XXII.

AND that the Inhabitants of this Province and Territories thereof, may be accommodated with such Food and Sustenance, as God in his Providence hath freely afforded, I do also further grant to the Inhabitants of this Prov-

ince and Territories thereof, Liberty to fowl and hunt upon the Lands they hold, and all other Lands therein not enclosed; and to fish in all Waters in the said Lands, and in all Rivers and Rivulets in and belonging to this Province and Territories thereof, with Liberty to draw his or their Fish on Shore on any Man's Lands, so as it be not to the Detriment or Annoyance of the Owner thereof, except such Lands as do lie upon Inland Rivulets that are not Boatable, or which are or may be hereafter erected into Manors.

XXIII.

AND that all the Inhabitants of this Province and Territories thereof, whether Purchasers or others, may have the last worldly Pledge of my good and kind Intentions to them and theirs, I do give, grant, and confirm to all, and every one of them, full and quiet Possession of their respective Lands, to which they have any lawful or equitable Claim, saving only such Rents and Services for the same as are or customarily ought to be reserved to me, my Heirs or Assigns.

XXIV.

THAT no Act, Law or Ordinance whatsoever, shall at any Time hereafter be made or done by the Proprietary and Governor of this

Province and Territories thereunto belonging, his Heirs or Assigns, or by the Freemen in provincial Council or Assembly, to alter, change, or diminish, the Form or Effect of this Charter, or any Part or Clause thereof, contrary to the true Intent and Meaning thereof, without the Consent of the Proprietary and Governor, his Heirs or Assigns, and six Parts of seven of the said Freemen in provincial Council and Assembly met.

XXV.

AND, LASTLY, I the said William Penn, Proprietary and Governor of the Province of Pensylvania and Territories thereunto belonging, for me, my Heirs and Assigns, have solemnly declared, granted and confirmed, and do hereby solemnly declare, grant and confirm, that neither I, nor my Heirs nor Assigns, shall procure or do any Thing or Things whereby the Liberties in this Charter contained and expressed, shall be infringed or broken: And if any Thing be procured by any Person or Persons, contrary to these Premises, it shall be held of no Force or Effect. IN WITNESS whereof, I the said William Penn, at Philadelphia in Pensylvania, have unto this present Charter of Liberties set my Hand and broad Seal, this second Day of the second Month, in the Year of our Lord one Thousand six Hundred Eighty

and Three, being the five and thirtieth Year of the King, and the third Year of my Government.

WILLIAM PENN.

THIS within CHARTER, which we have distinctly heard read and thankfully received, shall be by us inviolably kept; at Philadelphia, the second Day of the second Month, one Thousand six Hundred Eighty and Three.

The Members of the provincial Council present.

William Markham,
John Moll,
William Haige,
Christopher Taylor,
John Simcock,
William Clayton,
Francis Whittwel,
Thomas Holme,
William Clark,
William Biles,
James Harrison,
John Richardson,
Philip-Thomas Lenman, Secr. Gov.
Richard Ingelo, Cl. Coun.

The Members of the Assembly present.

Casparus Harman,
John Darby,
Benjamin Williams,
William Guest,
Valentine Hollingsworth,
James Boyden,
Bennony Bishop,
Thomas Hassald,
John Hart,
Robert Hall,
Robert Bedwell,
William Simsmore,
Samuel Darke,
Robert Lucas,
James Williams,

John Beazor,
John Harding,
Andrews Bringston,
Simon Irons,
John Wood,
John Curtis,
Daniel Brown,
William Futcher,
John Kipshaven,
Alexander Molestine,
Robert Bracy, sen.
Thomas Bracy,
William Yardly,
John Hastings,
Robert Wade.

John Blunston,
John Songhurst,
John Hill,
Nicholas Waln,
Thomas Fitzwater,
John Clows,
Luke Watson,
Joseph Phipps,
Dennis Rotchford,
John Brinklair,
Henry Bowman,
Cornelius Verhoofe,
John Southworth, Cl. of the Synod.

Some of the Inhabitants of Philadelphia present.

William Howel,
Edmund Warner,
Henry Lewis,
Samuel Miles.

The CHARTER of the City of Philadelphia.

WILLIAM PENN, Proprietary and Governor of the Province of Pensylvania, &c. To all to whom these Presents shall come, sends greeting. KNOW YE, That at the humble Request of the Inhabitants and Settlers of this Town of Philadelphia, being

some of the first Adventurers and Purchasers within this Province, for their Encouragement, and for the more immediate and entire Government of the said Town, and better Regulation of Trade therein: I have by Virtue of the King's Letters Patent, under the Great Seal of England, erected the said Town into a Borough, and by these Presents do erect the said Town and Borough of Philadelphia into a CITY; which said City shall extend the Limits and Bounds, as it is laid out between Delaware and Skuylkill.

AND I do for me, my Heirs and Assigns, grant and ordain, that the Streets of the said City shall for ever continue as they are now laid out and regulated; and that the End of each Street extending into the River Delaware, shall be and continue free for the Use and Service of the said City, and the Inhabitants thereof, who may improve the same for the best Advantage of the City, and build Wharfs so far out into the River there, as the Mayor, Aldermen, and Common-council, herein after mentioned, shall see meet.

AND I do nominate Edward Shippen to be the present Mayor, who shall so continue until another be chosen, as is herein after directed.

AND I do hereby assign and name Thomas Story to be present Recorder, to do and execute all Things which unto the Office of

Recorder of the said City doth or may belong.

AND I do appoint Thomas Farmer to be the present Sheriff, and Robert Assheton to be the present Town-clerk, and Clerk of the Peace, and Clerk of the Court and Courts.

AND I do hereby name, constitute, and appoint, Joshua Carpenter, Griffith Jones, Anthony Morris, Joseph Wilcox, Nathan Stanbury, Charles Read, Thomas Masters, and William Carter, Citizens and Inhabitants of the said City, to be the present Aldermen of the said City of Philadelphia.

AND I do also nominate and appoint John Parsons, William Hudson, William Lee, Nehemiah Allen, Thomas Paschal, John Bud, jun., Edward Smout, Samuel Buckley, James Atkinson, Pentecost Teague, Francis Cook, and Henry Badcocke, to be the twelve present Common-council Men of the said City.

AND I do by these Presents, for me, my Heirs and Successors, give, grant and declare, that the said Mayor, Recorder, Aldermen, and Common-council Men for the Time being, and they which hereafter shall be Mayor, Recorder, Aldermen and Common-council Men within the said City, and their Successors, for ever hereafter be and shall be, by Virtue of these Presents, one Body corporate and politick in Deed, and by the Name of the Mayor and Commonalty of the City of Phila-

delphia, in the Province of Pensylvania: And them by the Name of Mayor and Commonalty of the City of Philadelphia, one Body politick and corporate in Deed and in Name, I do for me, my Heirs and Successors, fully create, constitute and confirm, by these Presents; and that by the same Name of Mayor and Commonalty of the City of Philadelphia, they may have perpetual Succession; and that they and their Successors, by the Name of Mayor and Commonalty of the City of Philadelphia, be and at all Times hereafter shall be Persons able and capable in Law, to have, get, receive, and possess, Lands and Tenements, Rents, Liberties, Jurisdictions, Franchises and Hereditaments, to them and their Successors in Fee-simple, or for Term of Life, Lives, Years, or otherwise; and also Goods, Chattels, and other Things, of what Nature, Kind, or Quality soever.

AND also to give, grant, let, sell and assign the same Lands, Tenements, Hereditaments, Goods, Chattels, and to do and execute all other Things about the same, by the Name aforesaid; and also that they be and shall be forever hereafter Persons able and capable in Law, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all or any the Courts and other Places, and before any Judges, Justices, and other Persons whatso-

ever within the said Province, in all Manners of Actions, Suits, Complaints, Pleas, Causes and Matters whatsoever, and of what Nature or Kind soever.

AND that it shall and may be lawful to and for the said Mayor and Commonalty of the said City of Philadelphia, and their Successors, for ever hereafter, to have and use one common Seal for the sealing of all Businesses touching the said Corporation, and the same from Time to Time at their Will and Pleasure to change or alter.

AND I do for me, my Heirs and Successors, give, and by these Presents, grant full Power and Authority unto the Mayor, Recorder and Common-Council of the said City of Philadelphia, or any five or more of the Aldermen, and nine or more of the Common-Council Men, the Mayor and Recorder for the time being, or either of them, being present, on the first third Day of the Week, in the eighth Month yearly for ever hereafter, publickly to meet at a convenient Room or Place within the said City, to be by them appointed for that Purpose, and then and there nominate, elect and chuse one of the Aldermen to be Mayor for that ensuing Year.

AND also to add to the Number of Aldermen and Common-council Men, such and so many of those, that by Virtue of these Presents shall be admitted Freemen of the said

City from Time to Time, as they the said Mayor, Aldermen and Common-Council shall see Occasion.

AND that such Person who shall be so elected Mayor aforesaid, shall within three Days next after such Election, be presented before the Governor of this Province, or his Deputy for the time being, and there shall subscribe the Declarations and Profession of his Christian Belief, according to the late Act of Parliament made in the first Year of King William's Reign, entitled, An Act for exempting their Majesties Subjects dissenting from the Church of England, from the Penalties of certain Laws; and then and there the Mayor so presented, shall make his solemn Affirmation and Engagement for the due Execution of his Office.

AND that the Recorder, Sheriff, Aldermen, and Common-council Men, and all other Officers of the said City, before they or any of them shall be admitted to execute their respective Offices, shall make and subscribe the said Declarations and Profession aforesaid before the Mayor for the Time being, and at the same Time shall be attested for the due Execution of the Offices respectively; which Declarations, Promises and Attestations, the Mayor of the said City for the Time being, is hereby impowered to take and administer accordingly.

AND that the Mayor, Recorder and Aldermen of the said City, for the Time being, shall be Justices of the Peace and Justices of Oyer and Terminer; and are hereby impowered to act within the said City and Liberties thereof accordingly, as fully and amply as any Justice or Justices of the Peace or Oyer and Terminer, can or may do within the said Province.

AND that they or any four or more of them (whereof the Mayor and Recorder of the said City for the Time being, shall be two, shall and may for ever hereafter have Power and Authority, by Virtue of these Presents, to hear and enquire into all and all Manner of Treasons, Murthers, Manslaughters, and all Manner of Felonies and other Crimes and Offences, Capital and Criminal, whatsoever, according to the Laws of this Province and of the Kingdom of England, with Power also to hear and determine all petty Larcenies, Routs, Riots, unlawful Assemblies; and to try and punish all Persons that shall be convicted for Drunkenness, Swearing, Scolding, breaking the Peace, or such like Offences, which are by the Laws of this Province to be punished by Fine, Imprisonment or Whipping; with Power also to award Process against all Rioters and Breakers of the Peace, and to bind them, and all other Offenders and Persons of evil Fame, to the Peace or good

Behaviour, as any Justice or Justices of the Peace can do, without being accountable to me or my Heirs, for any Fines or Amerciaments to be imposed for the said Offences or any of them.

AND I do hereby impower them or any four of them (whereof the Mayor and Recorder for the Time being, shall be two) with the City Sheriff and Town-clerk, to hold and keep a Court of Record, Quarterly, or oftener, if they see Occasion, for the enquiring, hearing and determining of the Pleas and Matters aforesaid; and upon their own View, or after a legal Procedure in some of those Courts, to cause all Nuisances and Encroachments in the Streets of the said City to be removed, and punish the Parties concerned, as the Law and Usage in such Cases shall require.

AND I do by these Presents assign and appoint, that the present Mayor, Recorder, and Aldermen herein before-mentioned, be the present Justices of the Peace, and Oyer and Terminer, within the said City; and that they and all others that shall be Mayors, Recorders and Aldermen of the said City for the Time being, shall have full Power and Authority, and are hereby impowered and and authorized, without any further or other Commission, to be Justices of the Peace, and of Oyer and Terminer, within the said City forever; and shall also be Justice of the Peace,

and the Mayor and Recorder shall be of the Quorum of the Justices of the County Courts, Quarter-sessions Oyer and Terminer, and Goal Delivery, in the said County of Philadelphia; and shall have full Power to award Process, bind to the Peace or Behaviour, or commit to Prison, for any Matter or Cause, arising without the said City and within the Body of the aforesaid County, as Occasion shall require; and to cause Kalendars to be made of such Prisoners, which, together with all Recognizances and Examinations taken before them, for or concerning any Matter or Cause not determinable by them, shall be duly returned to the Judges or Justices of the said County, in their respective Courts where the same shall be cognizable.

AND that it may be lawful to and for the said Mayor and Commonalty and their Successors, when they see Occasion, to erect a Goal or Prison and Court-house within the said City.

AND that the Mayor and Recorder for the Time being, shall have, and by these Presents have Power to take Recognizance of Debts there, according to the Statute of Merchants, and of Action Burnel; and to use and affix the common Seal thereupon, and to all Certificates concerning the same.

AND that it may be lawful to and for the Mayor of the said City, for the Time being,

for ever hereafter to nominate, and from Time to Time appoint the Clerk of the Market, who shall have Assize of Bread, Wine, Beer, Wood, and other Things; and to do, execute and perform all Things belonging to the Clerk of the Market within the said City.

AND I will that the Coroners to be chosen by the County of Philadelphia for the Time being, shall be Coroners of the said City and Liberties thereof; but that the Freemen and Inhabitants of the said City shall from Time to Time, as often as Occasion be, have equal Liberty with the Inhabitants of the said County, to recommend or chuse Persons to serve in the respective Capacities of Coroners and Sheriffs for the County of Philadelphia, who shall reside within the said City.

AND that the Sheriff of the said City and County for the Time being, shall be the Water-Bailiff, who shall and may execute and perform all Things belonging to the Officer of Water-Bailiff, upon Delaware River, and all other navigable Rivers and Creeks within the said Province.

AND in Case the Mayor of the said City for the Time being, shall, during the Time of his Mayoralty, misbehave himself, or misgovern in that Office, I do hereby impower the Recorder, Aldermen and Common-council Men, or five of the Aldermen and nine of the Common-council Men of the said City of

Philadelphia, for the Time being, to remove such Mayor from his Office of Mayoralty; and in such Case, or in Case of the Death of the said Mayor for the Time being, that then another fit Person shall, within four Days next after such Death or Removal, be chosen in Manner as is above directed for electing of Mayors, in the Place of him so dead or removed.

AND lest there should be a Failure of Justice or Government in the said City, in such Interval, I do hereby appoint, That the eldest Alderman for the Time being, shall take upon him the Office of a Mayor there, and shall exercise the same till another Mayor be chosen as foresaid; and in Case of the Disability of such eldest Alderman, then the next in Seniority shall take upon him the said Office of Mayor, to exercise the same as aforesaid.

AND in Case the Recorder, or any of the Aldermen or Common-council Men of or belonging to the said City, for the Time being, shall misbehave him or themselves in their respective Offices and Places, they shall be removed and others chosen in their Stead, in Manner following, that is to say, The Recorder for the Time being, may be removed (for his Misbehaviour) by the Mayor, and two thirds of the Aldermen and Common-council Men respectively; and in Case of

such Removal or of the Death of the Recorder, then to chuse another fit Person skilled in the Law, to be the Recorder there, and so to continue during Pleasure as aforesaid.

AND the Alderman so misbehaving himself, may be removed by the Mayor, Recorder and nine of the Aldermen and Common-council Men; and in Case of such Removal or Death, then within four Days after, to chuse a fit Person or Persons to supply such Vacancies; and the Common-council Men, Constables, and Clerk of the Market, for Misbehaviour, shall be removed and others chosen, as is directed in the Case of Aldermen.

AND I do also, for me and my Successors, by these Presents, grant to the said Mayor and Commonalty, and their Successors, that if any of the Citizens of the said City, shall be hereafter nominated, elected, and chosen to the Office of Mayor, Aldermen and Common-council Men as foresaid, and having Notice of his or their Election, shall refuse to undertake and execute that Office to which he is so chosen, that then, and so often it shall and may be lawful for the Mayor and Recorder, Aldermen and Common-council Men, or the major Part of the Aldermen and Common-council Men for the Time being, according to their Discretion, to impose such moderate fines upon such Refusers, so as the Mayor's Fine exceed not forty Pounds, the Alder-

man's five and thirty Pounds, and Common-council Men twenty Pounds, and other Officers proportionably, to be levied by Distress and Sale, by Warrant under the common Seal, or by other lawful Ways, to the Use of the said Corporation.

AND in such Cases it shall be lawful to chuse others to supply the Defects of such Refusers, in Manner as is as above directed for Elections.

AND that it shall and may be lawful to and for the Mayor, Recorder, and at least three Aldermen for the Time being, from Time to Time, so often as they shall find Occasion, to summon a Common-council of the said City.

AND that no Assembly or Meeting of the said Citizens, shall be deemed or accounted a Common-council, unless the said Mayor and Recorder, and at least three of the Aldermen for the time being, and nine of the Common-council Men be present.

AND also that the said Mayor, Recorder, Aldermen and Common-council Men for the Time being, from Time to Time, at their Common-council, shall have Power to admit such and so many Freemen into their Corporation and Society as they shall think fit.

AND to make (and they may make, ordain, constitute and establish) such and so many good and reasonable Laws, Ordinances and

Constitutions (not repugnant to the Laws of England and this Government) as to the greater Part of them at such Common-council assembled (where the Mayor and Recorder for the Time being, are to be always present) shall seem necessary and convenient for the Government of the said City.

AND the same Laws, Ordinances, Orders and Constitutions so to be made, to put in Use and Execution accordingly, by the proper Officers of the said City; and at their Pleasure to revoke, alter, and make anew, as Occasion shall require.

AND also impose such Mulcts and Amerciaments upon the Breakers of such Laws and Ordinances, as to them in their Discretion shall be thought reasonable; which Mulcts, as also all other Fines and Amerciaments to be set or imposed by Virtue of the Powers granted, shall be levied as above is directed in Case of Fines, to the Use of the said Corporation, without rendering any Account thereof to me, my Heirs and Successors; with Power to the Common-council aforesaid, to mitigate, remit, or release such Fines and Mulcts, upon the Submission of the Parties. Provided always, That no Person or Persons hereafter, shall have Right of electing or being elected, by Virtue of these Presents, to any Office or Place judicial or ministerial, nor shall be admitted Freemen of the said

City, unless they be free Denizens of this Province, and are of the Age of twenty-one Years or upwards, and are Inhabitants of the said City, and have an Estate of Inheritance or Freehold therein, or are worth fifty Pounds in Money, or other Stock, and have been resident in the said City for the Space of two Years, or shall purchase their Freedom of the Mayor and Commonalty aforesaid.

AND I do further grant to the said Mayor and Commonalty of the City of Philadelphia, that they and their Successors, shall and may forever hereafter hold and keep within the said City, in every Week of the Year, two Market days, the one upon the fourth Day of the Week, and the other upon the seventh Day of the Week, in such Place or Places as is, shall, or may be appointed for that Purpose, by the said Commonalty or their Successors, from Time to Time.

AND also two Fairs therein every Year, the one of them to begin on the sixteenth Day of the third Month, called May, yearly, and so be held in and about the Market-place, and continue for that Day and Two Days next following; and the other of the said Fairs to be held in the aforesaid Place on the sixteenth Day of the ninth Month yearly, and for two Days next after.

AND I do for me, my Heirs and Assigns, by Virtue of the King's Letters Patent,

make, erect and constitute the said City of Philadelphia, to be a Port or Harbour for discharging and unlading of Goods and Merchandize out of Ships, Boats, and other Vessels; and for landing and shipping them in or upon such and so many Places, Keys and Wharfs there, as by the Mayor, Aldermen, and Common-council of the said City, shall from Time to Time be thought most expedient for the Accommodation and Service of the Officers of the Customs, in the Management of the King's Affairs and Preservation of his Duties, as well as for Conveniency of Trade.

AND I do ordain and declare, that the said Port or Harbour shall be called the Port of Philadelphia, and shall extend and be accounted to extend into all such Creeks, Rivers, and Places within this Province, and shall have so many Wharfs, Keys, Landing-places and Members belonging thereto, for landing and shipping of Goods, as the said Mayor, Aldermen, and Common-council for the Time being, with the Approbation of the Chief Officer or Officers of the King's Customs, shall from Time to Time think fit to appoint.

AND I do also ordain, that the Landing-places now and heretofore used at the Penny-pot-house and Blue-anchor, saving to all Persons their just and legal Right and Properties in the Lands so to be open; as also the

Swamp between Bud's Buildings and the Society-hill, shall be left open and common for the Use and Service of the said City and all others, with Liberty to dig Docks and make Harbours for Ships and Vessels, in all or any Part of the said Swamp.

AND I do hereby grant, that all the vacant Land within the Bounds and Limits of the said City, shall remain open as a free Common or Pasture, for the Use of the Inhabitants of the said City, until the same shall be gradually taken in, in order to build or improve thereon, and not otherwise. Provided always, That nothing herein contained, shall debar me or my Heirs in Time to come, from fencing in all the vacant Lands that lie between the Centre Meeting House and the Schuylkil, which I intend shall be divided from the Land by me allotted for Delaware Side, by a strait Line along the Broad-street from Edward Shippen's Land through the Centre Square by Daniel Pegg's Land; nor shall the fencing or taking in any of the Streets, happening to be within that Inclosure on Skuylkil, be deemed or adjudged to be an incroachment, where it shall not interfere or stop any of the Streets or Passages leading to any of the Houses built or to be built on that Side, any Thing herein contained to the contrary notwithstanding.

AND I do grant, that this present Char-

ter, shall, in all Courts of Law and Equity, be construed and taken most favourably and beneficially, for the said Corporation.

IN WITNESS whereof, I have hereunto set my Hand, and caused my Great Seal to be affixed. Dated at Philadelphia the five and twentieth Day of October, Anno Domini one Thousand seven Hundred and One, and in the thirteenth Year of the Reign of King William the Third, over England, &c. and the one and twentieth Year of my Government.

WILLIAM PENN.

The CHARTER of PRIVILEGES granted by WILLIAM PENN, *Esq., to the Inhabitants of Pensylvania and Territories.*

WILLIAM PENN, Proprietary and Governor of the Province of Pensylvania, and Territories thereunto belonging. To all to whom these Presents shall come, sendeth Greeting. WHEREAS King CHARLES the Second, by his Letters Patents, under the Great Seal of England, bearing Date the fourth Day of March, in the Year one Thousand six Hundred and Eighty, was graciously pleased to give and grant unto me, and my Heirs and Assigns for ever, this Province of Pensylvania, with divers great Powers and

Jurisdictions for the well Government thereof.

AND WHEREAS the King's dearest Brother, JAMES Duke of YORK and ALBANY, &c., by his Deeds of Feoffment, under his Hand and Seal duly perfected, bearing Date the Twenty-fourth Day of August, one Thousand six Hundred Eighty and Two, did grant unto me, my Heirs and Assigns, all that Tract of Land, now called the Territories of Pensylvania, together with Powers and Jurisdictions for the good Government thereof.

AND WHEREAS for the Encouragement of all the Freemen and Planters, that might be concerned in the said Province and Territories, and for the good Government thereof, I the said William Penn, in the Year one Thousand six Hundred Eighty and Three for me, my Heirs and Assigns, did grant and confirm unto all the Freemen, Planters and Adventurers therein, divers Liberties, Franchises and Properties, as by the said Grant, entitled, the FRAME of the Government of the Province of Pensylvania, and Territories thereunto belonging, in America, may appear; which Charter or Frame being found in some parts of it, not so suitable to the present Circumstances of the Inhabitants, was in the third Month, in the Year one Thousand seven Hundred, delivered up to me, by six Parts of seven of the Freemen of this Province and

Territories, in general Assembly met, Provision being made in the said Charter, for that End and Purpose.

AND WHEREAS I was then pleased to promise, That I would restore the said Charter to them again, with necessary Alterations, or in Lieu thereof, give them another, better adapted to answer the present Circumstances and Conditions of the said Inhabitant; which they have now, by their Representatives in general Assembly, met at Philadelphia, requested me to grant.

KNOW YE THEREFORE, That for the further Well-being and good Government of the said Province, and Territories; and in Pursuance of the Rights and Powers beforementioned, I the said William Penn do declare, grant and confirm, unto all the Free men, Planters and Adventurers, and other Inhabitants in this Province and Territories, these following Liberties, Franchises and Privileges, so far as in me lieth, to be held, enjoyed and kept, by the Freemen, Planters and Adventurers, and other Inhabitants of and in the said Province and Territories thereunto annexed, for ever.

FIRST.

BECAUSE no people can be truly happy, though under the greatest Enjoyment of civil Liberties, if abridged of the Freedom of

their Consciences, as to their religious Profession and Worship: And Almighty God being the only Lord of Conscience, Father of Lights and Spirits, and the Author as well as Object of all divine Knowledge, Faith and Worship, who only doth enlighten the Minds, and persuade and convince the Understandings of People, I do hereby grant and declare, That no Person or Persons, inhabiting in this Province or Territories, who shall confess and acknowledge One Almighty God, the Creator, Upholder and Ruler of the World; and profess him or themselves obliged to live quietly under the civil Government, shall be in any Case molested or prejudiced, in his or their Person or Estate, because of his or their conscientious Persuasion or Practice, nor be compelled to frequent or maintain any religious Worship, Place or Ministry, contrary to his or their Mind, or to do or suffer any other Act or Thing, contrary to their religious Persuasion.

AND that all Persons who also profess to believe in Jesus Christ, the Saviour of the World, shall be capable (notwithstanding their other Persuasions and Practices in Point of Conscience and Religion) to serve this Government in any Capacity, both legislatively and executively, he or they solemnly promising, when lawfully required, Allegiance to the King as Sovereign, and Fidelity

to the Proprietary and Governor, and taking the Attests as now established by the Law made at Newcastle in the Year one Thousand and seven Hundred, entitled, An Act directing the Attests of several Officers and Ministers, as now amended and confirmed by this present Assembly.

II.

FOR the well governing of this Province and Territories, there shall be an Assembly yearly chosen, by the Freemen thereof, to consist of four Persons out of each County, of most Note for Virtue, Wisdom and Ability, (or of a greater Number at any Time, as the Governor and Assembly shall agree) upon the first Day of October for ever; and shall sit on the fourteenth Day of the same Month, at Philadelphia, unless the Governor and Council for the Time being, shall see Cause to appoint another Place within the said Province or Territories: Which Assembly shall have Power to chuse a Speaker and other their Officers; and shall be Judges of the Qualifications and Elections of their own Members; sit upon their own Adjournments; appoint Committees; prepare Bills in order to pass into Laws; impeach Criminals, and redress Grievances; and shall have all other Powers and Privileges of an Assembly, according to the Rights of the free-born Sub-

jects of England, and as is usual in any of the King's Plantations in America.

AND if any County or Counties, shall refuse or neglect to chuse their respective Representatives as aforesaid, or if chosen, do not meet to serve in Assembly, those who are so chosen and met, shall have the full Power of an Assembly, in as ample Manner as if all the Representatives had been chosen and met, provided they are not less than two Thirds of the whole Number that ought to meet.

AND that the Qualifications of Electors and Elected, and all other Matters and Things relating to Elections of Representatives to serve in Assemblies, though not herein particularly expressed, shall be and remain as by a Law of this Government, made at New-Castle in the Year one Thousand seven Hundred, entitled, An Act to ascertain the Number of Members of Assembly, and to regulate the Elections.

III.

THAT the Freemen in each respective County, at the Time and Place of Meeting for electing their Representatives to serve in Assembly, may as often as there shall be Occasion, chuse a double Number of Persons to present to the Governor for Sheriffs and Coroners, to serve for three Years, if so long

they behave themselves well; out of which respective Elections and Presentments, the Governor shall nominate and commissionate one for each of the said Offices, the third Day after such Presentment, or else the first named in such Presentment, for each Office as aforesaid, shall stand and serve in that Office for the Time before respectively limited; and in Case of Death or Default, such Vacancies shall be supplied by the Governor, to serve to the End of the said Term.

PROVIDED ALWAYS, That if the said Freemen shall at any Time neglect or decline to chuse a Person or Persons for either or both the aforesaid Offices, then and in such Case, the Persons that are or shall be in the respective Offices of Sheriffs or Coroners, at the Time of Election, shall remain therein until they shall be removed by another Election as aforesaid.

AND that the Justices of the respective Counties, shall or may nominate and present to the Governor three Persons, to serve for Clerk of the Peace for the said County, when there is a Vacancy, one of which the Governor shall commissionate, within ten Days after such Presentment, or else the first nominated, shall serve in the said Office during good Behaviour.

IV.

THAT the Laws of this Government shall be in this Stile, viz. By the Governor, with the Consent and Approbation of the Freemen in General Assembly met; and shall be, after Confirmation by the Governor, forthwith recorded in the Rolls-office, and kept at Philadelphia, unless the Governor and Assembly shall agree to appoint another Place.

V.

THAT all Criminals shall have the same Privileges of Witnesses and Council as their Prosecutors.

VI.

THAT no Person or Persons shall or may, at any Time hereafter, be obliged to answer any Complaint, Matter or Thing whatsoever, relating to Property, before the Governor and Council, or in any other Place, but in ordinary Course of Justice, unless Appeals thereunto shall be hereafter by Law appointed.

VII.

THAT no Person within this Government, shall be licensed by the Governor to keep an Ordinary, Tavern, or House of Publick Entertainment, but such who are first recommended to him, under the Hands of the Justices of the respective Counties, signed in

open Court; which Justices are and shall be hereby impowered, to suppress and forbid any Person, keeping such Publick-house as aforesaid, upon their Misbehaviour, on such Penalties as the Law doth or shall direct; and to recommend others from Time to Time, as they shall see Occasion.

VIII.

IF any Person, through Temptation or Melancholy, shall destroy himself, his Estate, real and personal, shall notwithstanding descend to his Wife and Children, or Relations, as if he had died a natural Death; and if any Person shall be destroyed or killed by Casualty or Accident, there shall be no Forfeiture to the Governor by Reason thereof.

AND no Act, Law or Ordinance whatsoever, shall at any Time hereafter, be made or done, to alter, change, or diminish the Form or Effect of this Charter, or of any Part of clause therein, contrary to the true Intent and Meaning thereof, without the Consent of the Governor for the Time being, and six Parts of seven of the Assembly met.

BUT because the Happiness of Mankind depends so much upon the enjoying of Liberty of their Consciences as aforesaid, I do hereby solemnly declare, promise and grant, for me, my Heirs and Assigns, that the first Article of this Charter relating to Liberty of

Conscience, and every Part and Clause therein, according to the true Intent and Meaning thereof, shall be kept and remain without any Alteration, inviolably for ever.

AND LASTLY, I the said William Penn, Proprietary and Governor of the Province of Pensylvania, and Territories thereunto belonging, for myself, my Heirs and Assigns, have solemnly declared, granted and confirmed, and do hereby solemnly declare, grant and confirm, That neither I, my Heirs or Assigns, shall procure or do any Thing or Things, whereby the Liberties in this Charter contained and expressed, nor any Part thereof, shall be infringed or broken: And if any Thing shall be procured or done by any Person or Persons, contrary to these Presents, it shall be held of no Force or Effect.

IN WITNESS whereof, I the said William Penn, at Philadelphia in Pensylvania, have unto this present Charter of Liberties, set my Hand and broad Seal, this twenty-eighth Day of October, in the Year of our Lord, one Thousand seven Hundred and One, being the thirteenth Year of the Reign of King WILLIAM the Third, over England, Scotland, France, and Ireland, &c. and the twenty-first Year of my Government.

AND NOTWITHSTANDING the Closure and Test of this present Charter as aforesaid, I think fit to add this following Proviso

thereunto, as Part of the same, That is to say, That notwithstanding any Clause or Clauses in the above-mentioned Charter, obliging the Province and Territories, to join together in Legislation, I am content, and do hereby declare, That if the Representatives of the Province and Territories shall not hereafter agree to join together in Legislation, and that the same shall be signified unto me, or my Deputy, in open Assembly, or otherwise, from under the Hands and Seals of the Representatives, for the Time being, of the Province and Territories, or the major Part of either of them, at any Time within three Years from the Date hereof, that in such Case, the Inhabitants of each of the three counties of this Province, shall not have less than eight Persons to represent them in Assembly, for the Province; and the Inhabitants of the Town of Philadelphia (when the said Town is incorporated) two Persons to represent them in Assembly; and the Inhabitants of each county in the Territories, shall have as many Persons to represent them, in a distinct Assembly for the Territories, as shall be by them requested as aforesaid.

NOTWITHSTANDING which Separation of the Province and Territories, in Respect of Legislation, I do hereby promise, grant and declare, That the Inhabitants of both

Province and Territories, shall separately enjoy all other Liberties, Privileges and Benefits, granted jointly to them in this Charter, any Law, Usage, or Custom of this Government heretofore made and practised, or any Law made and passed by this General Assembly, to the contrary hereof notwithstanding.

WILLIAM PENN.

THIS CHARTER of PRIVILEGES being distinctly read in Assembly, and the whole and every Part thereof, being approved of and agreed to, by us, we do thankfully receive the same from our Proprietary and Governor, at Philadelphia, this twenty-eighth Day of October, one Thousand seven Hundred and One. Signed on Behalf, and by Order of the Assembly,

per Joseph Growdon, Speaker.

Edward Shippen,
Phineas Pemberton,
Samuel Carpenter,
Griffith Owen,
Caleb Pusey,
Thomas Story,

} Proprietary and Governor's Council.

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